CITY COUNCIL



AGENDA

July 23, 2001 – 7:30 P.M. Council Chambers – City Hall 500 West Big Beaver, Troy, Michigan 48084 (248) 524-3300

CAL	L TO ORDER	<u>1</u>		
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NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk (248) 524-3316 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

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CALL TO ORDER

Invocation & Pledge Of Allegiance - Pastor Paul M. Stover - Evanswood Church of God

ROLL CALL

Mayor Matt Pryor Robin Beltramini Martin F. Howrylak Thomas S. Kaszubski David A. Lambert Anthony N. Pallotta Louise E. Schilling

A-1 Minutes: Regular Meeting of July 7, 2001 and Special Meeting of July 10, 2001

Suggested Resolution
Resolution #2001-07-363
Moved by
Seconded by

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of July 7, 2001 and the Special Meeting of July 10, 2001 be approved.

Yes: No:

A-2 Presentations: (a) Service Commendations Presented to Henry Allemon, John R. Stevens and Jeanne M. Stine; (b) Certificate of Recognition Presented to Sergeant Michael Kerr

CARRYOVER ITEMS – From Regular City Council Meeting of July 9, 2001

COUNCIL COMMENTS

VISITORS — Limited to Visitors present at the Regular City Council Meeting of July 9, 2001 that did not have an opportunity to speak during the Visitors Section

Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. Any such matter may be deferred to another time or referred for study and recommendation upon the request of any one Council Member except that by a majority vote of the Council Members, said matter may be acted upon immediately. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. (Rules of Procedure for the City Council, Article 15, as amended May 7, 2001.)

REPORTS AND COMMUNICATIONS

G-1 Proposed City of Troy Proclamations:

Resolution #2001-07-Moved by Seconded by

RESOLVED, That the following City of Troy Proclamations, be approved:

- (a) Parks and Recreation Month Month of July
- (b) Service Commendation Larry Keisling

Yes: No:

G-2 Minutes – Boards and Committees:

- (a) Advisory Committee for Senior Citizens/Final May 3, 2001
- (b) Employees' Retirement System Board of Trustees/Final May 9, 2001
- (c) Library Advisory Board/Final May 10, 2001
- (d) Board of Zoning Appeals/Final May 15, 2001
- (e) Planning Commission Special Study Meeting/Final May 22, 2001
- (f) Troy Daze/Final May 22, 2001
- (g) Advisory Committee for Person with Disabilities/Draft June 6, 2001
- (h) Planning Commission/Final June 12, 2001
- (i) Employees' Retirement System Board of Trustees /Draft June 13, 2001
- (j) Board of Zoning Appeals/Draft June 19, 2001
- (k) Library Advisory Board/Draft June 21, 2001
- (I) Historical Commission/Draft June 26, 2001

G-3 Department Reports:

G-4 Announcement of Public Hearings:

- (a) Proposed Rezoning North Side of Long Lake, West of Livernois Section 9 R-1B (One Family Residential) to R-1T (One Family Attached Residential Scheduled for Regular City Council Meeting on July 23, 2001
- (b) Proposed Rezoning North Side of Big Beaver, West of John R Section 23 R-1E (One Family Residential) and P-1 (Vehicular Parking) to O-1 (Low-Rise Office) and E-P (Environmental Protection District) Scheduled for Regular City Council Meeting on July 23, 2001

G-5 Proposed Proclamations/Resolutions from Other Organizations:

G-6 Letters of Appreciation:

- (a) Memorandum from Police Chief Craft to City Manager Szerlag, Re: Certificate of Appreciation from Oakland County Probation
- (b) Letter from Gary Peer, Ph.D., Central Michigan University, Re: Robert Wolfe's Master of Science Degree
- (c) Letter from Renee Gucciardo to Captain Slater, Re: Officer Joseph Mairorano's Outstanding Service
- (d) Letter from Tom Sawyer, Jr., to Mr. Need, Re: Thank You
- (e) Certificate of Accomplishment from the Institute of Transportation Engineers Awarded to John K. Abraham
- (f) Letter from Dorothy Meerschaert to Department of Public Works, Re: The Efficient Manner in Which DPW Staff has Maintained Their Street While it Has Been Under Construction

- G-7 Letters of Resignation from Boards and Committees:

 (a) Gary A. Sirotti Act 78 Commission

 (b) Nelson Ritner Economic Development Corporation

 G-8 Agenda Visitor Information System

 City Management requests a 5-minute presentation regarding this item if time permits.
- G-9 Resolution of Drainage Problem South of Peacock Farm on Rochester Road, Section 10
- **G-10** Citizen Comments on Red Light Enforcement Cameras
- **G-11** Recommendation of Civic Center Site
- **G-12** Troy Executive Aviation
- G-13 Resolution of Drainage Ditch Problem on Harris Street, West of Rochester Road, in Connection with Section 22 & 23 Water Main Project
- **G-14** Federal Storm Water Regulations
- **G-15** Project Status Report
- G-16 Troy Fire Department 1999 Annual Report and 2000 Annual Report Report distributed at the July 9, 2001 Meeting.
- G-17 Levels of Approval for Platted and Unplatted Residential Developments
- G-18 Update of Chapter 16 Solid Municipal Waste and Recycling Ordinance

G-19 Update on Dangerous Building – 612 Trombley, Parcel #88-20-22-401-006

G-20 Darrah v Oak Park, City of Troy, Officer Russ Bragg

PUBLIC HEARINGS

C-1 Request for Placement of a Free Standing Communications Tower – Nextel Communications – CONTINUANCE OF PUBLIC HEARING

Suggested Resolution Resolution #2001-07-Moved by Seconded by

(a) Proposed Resolution A – Rejection of Proposal – As Recommended by City Management

WHEREAS, The 1993 consent judgment dictates that parcel "A" is controlled by the E-P (Environmental Protection) Zoning District requirements, Section 8.00.00 of Chapter 39, the Zoning Ordinance; and

WHEREAS, The E-P Zoning District requirements do not permit the location of cellular towers; and

WHEREAS, The site plan submitted for the cellular tower does not meet the minimum standards of the applicable sections of Chapter 39, the Zoning Ordinance, which regulate the location of cellular towers; and

WHEREAS, The proposed location of the cellular tower would negatively impact the Environmental Protection District and would change the character of the surrounding area;

NOW, THEREFORE, BE IT RESOLVED, That after holding a public hearing on the matter, the Troy City Council has determined that the proposed amendments to the consent judgment in the McDonald-Halliday Enterprises #2 v City of Troy matter (Case Number 1990-389364NZ), which would allow for the placement of a cellular tower on the Northfield Commons Shopping Center, are not in the best interest of the City of Troy, and therefore rejects the proposal submitted by Nextel Communications.

C-1 Request for Placement of a Free Standing Communications Tower – Nextel Communications – Continued

(b) Proposed Resolution B – Referral to the Planning Commission

NOW, THEREFORE, BE IT RESOLVED, That the Troy Planning Commission is authorized to review and make recommendations to the Troy City Council concerning the proposal for a cellular tower at the Northfield Commons Shopping Center, which is currently controlled by a consent judgment.

IT IS FURTHER RESOLVED, That final approval of any site plan and text amendments to the McDonald-Halliday Enterprises #2 v City of Troy (Case Number 1990-389364NZ) consent judgment shall be vested with the Troy City Council.

(c) Proposed Resolution C – City Council Approval

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council authorizes the City Attorney and City Management to negotiate amendments to the consent judgment in Case Number 1990-38936NZ, McDonald-Halliday Enterprises #2 v City of Troy, to allow for the placement of a cellular tower.

IT IS FURTHER RESOLVED, That the Troy City Council will consider the site proposed text amendments to the consent judgment at the meeting.	•
IT IS FINALLY RESOLVED, That the following conditions shall be required in judgment and the site plan for the property:	the consent
Yes: No:	

C-2 Proposed Rezoning – North side of Long Lake, West of Livernois – Section 9 – R-1B (One Family Residential) to R-1T (One Family Attached Residential)

City Management requests a 5-minute presentation regarding this item.

Suggested Resolution
Resolution #2001-07Moved by
Seconded by

RESOLVED, That the request for the rezoning of 0.029 acres (1,250 sq. ft.) portion of property north of Long Lake Road, west of Livernois Road, from R-1B (One Family Residential) to R-1T (One Family Attached Residential) is hereby approved as recommended by City Management and by the Planning Commission.

Yes: No:

C-3 Proposed Rezoning – North Side of Big Beaver, West of John R – Section 23 – R-1E (One Family Residential) and P-1 (Vehicular Parking) to O-1 (Low-Rise Office) and E-P (Environmental Protection District)

City Management requests a 5-minute presentation regarding this item.

Suggested Resolution
Resolution #2001-07Moved by
Seconded by

RESOLVED, That the request for the rezoning of 3.473 acres of property north of Big Beaver Road, west of John R Road, from R-1E (One-Family Residential) and P-1 (Parking) to O-1 (Low-Rise Office) and E-P (Environmental Protection) zoning districts, is hereby approved, as recommended by City Management and by the Planning Commission.

Yes: No:

C-4 Fisher v City of Troy – Proposed Consent Judgment

Suggested Resolution Resolution #2001-07-Moved by Seconded by

(a) Proposed Resolution for City Council Approval

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council authorizes the City Attorney and City Management to negotiate a consent judgment in Case Number 1999-018761CZ, Thomas P. Fisher and Cynthia L. Fisher v City of Troy concerning property located at the southeast corner of Orpington and John R Roads.

IT IS FURTHER RESOLVED, That the	Troy City Council will consider	the site plan and the
proposed consent judgment at the		City Council meeting.

IT IS FINALLY RESOLVED, That the following restrictions shall be required in the consent judgment and the site plan for the property:

- 1. The Plaintiffs shall be permitted to develop an office building on the site, which shall not exceed one-story in height, and shall not exceed 8,500 square feetp.
- 2. The north 50-feet of the entire subject parcel of property shall be governed by zoning provisions that are consistent with E-P (Environmental Protection) zoning. In addition, a 5-foot sloping berm with screening shall be provided within this subject area.
- 3. The proposed office building shall be oriented on John R Road and the only driveway to the property shall be located on the south end of the property.

(b) Proposed Resolution for Rejection of Proposal

NOW, THEREFORE, BE IT RESOLVED, That after holding a public hearing on the matter, the Troy City Council has determined that a proposed consent judgment in the Thomas P. Fisher and Cynthia L. Fisher v City of Troy case (Case Number 1999-018761CZ), which would allow for the development of a one-story office building at the southeast corner of Orpington and John R Roads is not in the best interest of the City of Troy. As a result, the Troy City Council **REJECTS** the consent judgment proposal submitted by Thomas and Cynthia Fisher.

Y	es	
N	Ο.	

POSTPONED ITEMS

D-1 Resolution for the Appointment of SEMCOG Representative

Suggested Resolution
Resolution #2001-07Moved by Pallotta
Seconded Lambert

RESOLVED, That Council Member Beltramini be appointed as the SEMCOG representative for the City of Troy.

Yes: No:

D-2 Design Services – CMAQ Projects – Insurance

A review by staff has indicated the city would realize a savings if Mr. Van Hoelst were to be hired as a part time employee. Mr. Van Hoelst has agreed to be hired on a part time basis and work out of City Hall. Therefore, no further action is required on this item.

Resolution #2001-07-Moved by Pallotta Seconded by Beltramini

WHEREAS, Ken Van Hoelst, P.E. is providing design services for the following CMAQ projects:

Project No. 99.205.5 – Square Lake – John R Intersection
Project No. 99.206.5 – Square Lake – Dequindre Intersection
Project No. 00.106.5 – Coolidge Left Turn Storage Under I-75
Project No. 00.108.5 – Wattles Right Turn Lane at Forsyth
Project No. 00.109.5 – Wattles EB & WB Right Turn Lane at Coolidge

NOW BE IT RESOLVED, That insurance costs for Ken Van Hoelst, P.E., in the amount of \$7,113.00 for the period beginning July 1, 2001 through June 30, 2002 in connection with CMAQ Design Services being provided by Ken Van Hoelst under his contract with the City of Troy, Resolution #2000-305, is hereby authorized. Funds are available in the 2001-02 Major Roads Capital budget.

Y	es	
N	٥.	

D-3 Preliminary Plat-Tentative Approval – Oak Forest Subdivision (Revised) West Side of John R Road, South of Square Lake Road – Section 11

Resolution #2001-07-Moved by Seconded by

RESOLVED, That the Tentative Approval be granted to the Preliminary Plat of Oak Forest Subdivision, on the west side of John R Road, south of Square Lake Road in Section 11, subject to the City requesting a MDEQ Wetlands Permit public hearing.

Yes: No:

VISITOR COMMENTS

Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. Any such matter may be deferred to another time or referred for study and recommendation upon the request of any one Council Member except that by a majority vote of the Council Members, said matter may be acted upon immediately. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. (Rules of Procedure for the City Council, Article 15, as amended May 7, 2001.)

CONSENT AGENDA

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may remove an item from the Consent Agenda and have it considered as a separate item. A member of the audience who wishes to speak in opposition to the recommended action for any given Consent Agenda item may do so with the approval of a majority vote of City Council. Any item so removed from the Consent Agenda shall be considered after other items on the consent business portion of the agenda have been heard. (Rules of Procedure for the City Council, Article 13, as amended May 7, 2001.)

E-1 Approval of Consent Agenda

Suggested Resolution
Resolution #2001-07Moved by
Seconded by

RESOLVED, That all items as presented on the Consent Agenda are hereby approved as presented with the exception of Item(s) ______, which shall be considered after Consent Agenda (E) items, as printed.

Yes: No:

E-2 Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Youth Assistance

Suggested Resolution

Resolution #2001-07-

RESOLVED, That approval to expend funds budgeted in the 2001-2002 fiscal year to the Troy Youth Assistance to provide family and youth assistance to the residents of Troy at a cost of \$35,000.00, paid in quarterly installments, is hereby approved.

E-3 Don Childs Associates v Troy Golf & City of Troy et. al

Suggested Resolution

Resolution #2001-07-

RESOLVED, That the City Attorney is hereby authorized and directed to represent the City of Troy in any and all claims and damages in the matter of Don Childs Associates v Troy Golf and City of Troy, et al, and to retain any necessary expert witnesses and outside legal counsel to adequately represent the City.

E-4 Special Assessment Paving Projects – Change in Due Date: Project No. 93.932.3 – Daley, Big Beaver to the North, Project No. 99.117.1 – Forthton, Livernois to the West, Project No. 00.102.1 – Finch, Wattles to the South, and Project No. 00.110.1 – Harris, Rochester to the West

Suggested Resolution

Resolution #2001-07-

RESOLVED, That the current due dates for the first payment for the following Special Assessment paving projects be changed to January 1, 2002 to allow for physical construction of the projects to take place prior to any payments being made:

Project No. 93.932.3 – Daley, Big Beaver to the North Project No. 99.117.1 – Forthton, Livernois to the West Project No. 00.102.1 – Finch, Wattles to the South Project No. 00.110.1 – Harris, Rochester to the West

E-5 Request for Temporary Trailer – Suburban Volkswagen – 1804 Maplelawn

Suggested Resolution

Resolution #2001-07-

RESOLVED, That the request from Richard Clift, General Manager for the Suburban Collection to place an office trailer on the site of the existing building at 1804 Maplelawn to be used for temporary office space is hereby approved for a period not to exceed 5-months, in accordance with Chapter 47, House Trailers and Trailer Courts, Section 6.41(2), of the Code of the City of Troy.

E-6 John R & 14 Mile Enhancement Project – Cost Participation Agreement with Madison Heights – Contract No. 01-1

Suggested Resolution

Resolution #2001-07-

RESOLVED, That the Cost Participation Agreement (Contract No. 01-1) between the City of Troy and the City of Madison Heights for the John R and 14 Mile Roads Street Lighting and Landscaping project, Project No. 92.102.5, is hereby approved and the Mayor and City Clerk are authorized to execute the Agreement, a copy of which shall be attached to the original Minutes of this meeting.

E-7 Lawrence M. Clarke Inc. v City of Troy

Suggested Resolution

Resolution #2001-07-

RESOLVED, That the City Attorney is hereby authorized and directed to represent the City of Troy in any and all claims and damages in the matter of Lawrence M. Clarke, Inc. v City of Troy, and to retain any necessary expert witnesses and outside legal counsel to adequately represent the City.

E-8 Request to Change Council Meeting Date

Suggested Resolution

Resolution #2001-07-

RESOLVED, That the City Council shall change their September 24, 2001 Regular City Council Meeting to Monday, **September 17, 2001 at 7:30 PM**; and direct the City Clerk to notice the change of the meeting date.

E-9 Right-of-Way License Agreement with Honeywell International ("Honeywell")

Suggested Resolution

Resolution #2001-07-

RESOLVED, That the Right-of-Way License Agreement with Honeywell International outlined in a memorandum from the Acting City Attorney dated July 16, 2001 is hereby approved; the Mayor and City Clerk are authorized to execute the document, and a copy shall be attached to the original Minutes of this meeting.

E-10 Maya's Meadows – Amendment to Agreement

Suggested Resolution

Resolution #2001-07-

RESOLVED, That the amendment to the contract for Installation of Municipal Improvements for Maya's Meadows between the City of Troy and E&F Investment Company, L.L.C., is hereby approved, and the Mayor and City Clerk are authorized to execute the document, and a copy is to be attached to the original Minutes of this meeting.

E-11 Standard Purchasing Resolution 3: Exercise Renewal Option – Sidewalk Replacement Program

<u>Suggested Resolution</u> Resolution #2001-07-

WHEREAS, On July 10, 2000, a one-year contract with an option to renew for two additional one-year periods to provide labor, materials, and traffic control to perform sidewalk replacement was awarded to Major Cement Company (Resolution #2000-320-E-5); and

WHEREAS, Major Cement Company has agreed to exercise the one-year option to renew under the same prices, terms, and conditions; and

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby exercised with Major Cement Company to provide sidewalk replacement within the City of Troy, under the same contract prices, terms, and conditions for one-year expiring July 10, 2002, at an estimated cost of \$400,000.00.

BE IT FURTHER RESOLVED, That the Department of Public Works may change the quantity of work by (+ or -) 25% during the construction season as needed.

REGULAR BUSINESS

Persons interested in addressing City Council on items, which appear on the printed Agenda, may do so at the time the item is discussed. For those addressing City Council, time may be limited to not more than twice nor longer than five (5) minutes on any question, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 6, as amended May 7, 2001. Persons interested in addressing City Council on items, which are not on the printed Agenda, may do so under the last item of the Regular Business (F) Section.

F-1 Appointments to Boards and Committees: (a) Advisory Committee for Persons with Disabilities; (b) CATV Committee; (c) Civil Service Commission (Act 78); (d) Economic Development Corporation; (e) Historical Commission; (f) Liquor Committee; (g) Parks and Recreation Board; (h) Planning Commission; (i) Traffic Committee; and (j) Troy Daze Committee

Suggested Resolution Resolution #2001-07-Moved by Seconded by

RESOLVED, That the following persons are hereby appointed by the City Council to serve on the Boards and Committees as indicated:

(a) Advisory Committee for Persons With Disabilities		
Student Rep Term Expires 07-01	-2002	
	Council Appointment	
Student Rep Term Expires 07-01	-2002	
<u>78)</u>	Council Appointment	
Vacant Term Expires 04-30-2002	2	
oration Ma	ayor, Council Approval	
Vacant Term Expires 04-30-2003	3	
Vacant Term Expires 04-30-2005	5	
	Council Appointment	
Student Rep Term Expires 07-01	-2002	
Vacant Term Expires 07-31-2004	1	
Vacant Term Expires 07-31-2004	1	
	Council Appointment	
Student Rep Term Expires 07-01	-2002	
	Council Appointment	
Student Rep Term Expires 07-01	-2002	
	Council Appointment	
Student Rep Term Expires 07-01	-2002	
	Council Appointment	
	Student Rep Term Expires 07-01 78) Vacant Term Expires 04-30-2002 Oration Vacant Term Expires 04-30-2003 Vacant Term Expires 04-30-2003 Vacant Term Expires 04-30-2003 Vacant Term Expires 07-01 Vacant Term Expires 07-31-2004 Vacant Term Expires 07-31-2004 Student Rep Term Expires 07-01 Student Rep Term Expires 07-01	

	Student Rep Term Expires 07-01-2002
(j) Troy Daze Committee	Council Appointment
	Student Rep Term Expires 07-01-2002
Yes: No:	
F-2 Closed Session	
Suggested Resolution Resolution #2001-07- Moved by Seconded by	
•	ouncil of the City of Troy shall meet in Closed Session as CLA 15.268, Sections, after adjournment of this meeting.
Yes: No:	
F-3 Award of Contract for	Structural Assessment Relocation Analysis Exterior and

F-3 Award of Contract for Structural Assessment, Relocation Analysis, Exterior and Interior Restoration of Historic Church and Parsonage

Suggested Resolution Resolution #2001-07-Moved by Seconded by

WHEREAS, Gerald J. Yurk Associates, Inc. is listed on the State of Michigan's History Division's List of Qualified Historic Preservation Architects; and

WHEREAS, The ad hoc Church Committee, comprised of two members each from the Historical Commission, Historic District Commission, Historical Society, and the Museum Guild, unanimously recommends Gerald J. Yurk Associates, Inc.; and

NOW THEREFORE BE IT RESOLVED, That the contract for Architectural Services to provide a structural assessment, relocation analysis, and exterior and interior restoration plan for the historic church and parsonage located at 90 and 110 East Square Lake Road is awarded to Gerald J. Yurk Associates, Inc., for an amount not to exceed \$56,400.00; and

BE IT FURTHER RESOLVED, That an amount of \$5,640.00 be approved to cover reimbursable expenses and additional unforeseen work.

Yes	:
No:	

F-4 Bid Waiver – Contract Extension – TPOA Physical Examinations

Suggested Resolution Resolution #2001-07-Moved by Seconded by

WHEREAS, As a result of a 1988 Troy Police Officers Association/City of Troy arbitration ruling, physical fitness tests and pre-test physicals for the City of Troy Police Officers are required every two years, with all costs being absorbed by the City; and

WHEREAS, A City/Union Joint Committee selected William Beaumont Executive Health Service to conduct the pre-test physicals; and

WHEREAS, A waiver of bids was approved by the Troy City Council for 1997-98 testing (Resolution #97-736-C-7) and again for 1999-00 (Resolution #2000-19/2000-118-E-5); and

WHEREAS, The 2001-02 testing will commence in accordance with the arbitration ruling which requires a two year testing frequency;

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby waived and a contract to conduct pre-test physicals is hereby awarded to William Beaumont Executive Health Service at unit prices provided in the Pricing Schedule dated July 1, 2001 (Attachment A), a copy of which shall be attached to the original Minutes of this meeting at an estimated total cost of \$69,000.00.

Υ	es	•
N	ο.	

F-5 Storm Drainage Study - Shady Creek North Site Condominiums - Project No. 01.922.3

Suggested Resolution Resolution #2001-07-Moved by Seconded by

RESOLVED, That Hubbell, Roth & Clark, Inc., in accordance with the General Engineering Services agreement and the memorandum dated July 12, 2001, for a storm drainage study relative to the proposed Shady Creek North site condominiums, Project No. 01.922.3, is hereby approved and Hubbell, Roth & Clark is hereby authorized to begin with the study at a not-toexceed fee of \$20,200.00. The funds to complete this study are available in the 2001/02 Engineering services budget, account numberS 443.7816.020 and 444.7816.020.

Yes: No:

F-6 **Proposed Amendment to Council Rules of Procedure**

City of Troy Resolution submitted by Council Member Schilling.

Suggested Resolution Resolution #2001-07-Moved by Seconded by

RESOLVED, That the Troy City Council Rules of Procedure, dated May 7, 2001, are hereby amended as proposed; with the insertion of a new Item Number 24, Agenda Items Submitted by Council Members, and Item Number 24, Violations, renumbered as Item Number 25.

Yes: No:

F-7 Site Plan Review – Proposed Troy Pines II Site Condominiums – East Side of John R Road, South of Long Lake Road - Section 13

City Management requests a 5-minute presentation regarding this item if time permits.

Suggested Resolution Resolution #2001-07-Moved by

F-7 Site Plan Review – Proposed Troy Pines II Site Condominium – East Side of John R Road, South of Long Lake Road – Section 13 – Continued

RESOLVED, That the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Chapter 39 - Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Troy Pines Number II, on the east side of John R Road, south of Long Lake Road, be approved, as recommended by City Management and the Planning Commission.

Y	es	
Ν	o:	

F-8 Proposed Change to Chapter 79 of the City Code Relating to Adoption of the State Building Code

(a) Proposed Resolution to Revise Chapter 79

Suggested Resolution Resolution #2001-07-Moved by

RESOLVED, That an ordinance amendment to Chapter 79 is hereby adopted as recommended by the City Administration, and a copy of this ordinance shall be attached to the original Minutes of this meeting.

Yes: No:

(b) Proposed Resolution to Adopt the Building Permit Fee Schedule

<u>Suggested Resolution</u> Resolution #2001-07-Moved by

RESOLVED, That the fees associated with the issuance of building permits in the City of Troy be in accordance with the attached fee schedule.

Yes: No:

COUNCIL COMMENTS/REFERRALS

VISITORS

Any person not a member of the Council who have not addressed Council during the 1st Visitors Comments may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. Any such matter may be deferred to another time or referred for study and recommendation upon the request of any one Council Member except that by a majority vote of the Council Members, said matter may be acted upon immediately. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. (Rules of Procedure for the City Council, Article 5 (16) and Article 15, as amended May 7, 2001.)

REPORTS AND COMMUNICATIONS

G-1 Proposed City of Troy Proclamations:

Resolution #2001-07-Moved by Seconded by

RESOLVED, That the following City of Troy Proclamations, be approved:

- (a) Service Commendation: Henry Allemon
- (b) Service Commendation: John R. Stevens
- (c) Service Commendation: Jeanne M. Stine

Yes:

G-2 Minutes – Boards and Committees:

- (a) Building Code Board of Appeals/Final June 6, 2001
- (b) Advisory Committee for Senior Citizens/Draft June 7, 2001
- (c) Employees' Retirement System Board of Trustees/Final June 13, 2001
- (d) Parks and Recreation Advisory Board/Draft June 14, 2001
- (e) Troy Daze/Draft June 26, 2001
- (f) Downtown Development Authority/Draft June 28, 2001
- (g) Employees' Retirement System Board of Trustees/Draft July 11, 2001

G-3 Department Reports:

- (a) Permits Issued July 2000 Through June 2001
- (b) Permits Issued January Through June 2001
- (c) Permits Issued During the Month of June

G-4 Announcement of Public Hearings:

G-5 Proposed Proclamations/Resolutions from Other Organizations:

(a) City of Clawson; Re: Consideration of the Resolution in Opposition to the Legalization of Marijuana and Other Class One Drugs

G-6 Letters of Appreciation:

- (a) E-mail From Cathleen Martin to William R. Need In Appreciation For His Response to Her Concerns
- (b) Letter From John Feikens United States District Judge to William Need Complimenting Him on the City's Water Quality Information Brochure
- (c) Letter from Margaret Gaffney to William Need Thanking Him For Assisting Her in the Removal of Concrete Debris From Her Home and Complimenting the City and Ron Hynd For the Good Planting Job in the Peace Garden
- (d) Letter from Gabriela Ban-Director/American-Romanian Cultural Center to Troy City Council Thanking Them for Inviting Them to Participate in "Ion Pandele Exhibit" and the "Romanians in Troy" event

G-7 Proposed Modifications to Troy City Code Chapter 93, Fire Prevention

G-8 The Disposition of City Property at 101 E. Square Lake Road/Krell Property

G-9 \$24,000,000.00 Downtown Development Authority Bond

G-10	Memo from Troy Chamber of Commerce and City Management Recommending an
	Economic Analysis of Various Civic Center Site Plan Elements

Respectfully submitted,

John Szerlag, City Manager

July 3, 2001

To: Honorable Mayor and City Council

From: John Szerlag, City Manager

Gary A. Shripka, Assistant City Manager/Services Carol K. Anderson, Parks and Recreation Director

Subject: Parks and Recreation Month

Recommendation

Staff requests approval by Council designating July as Parks and Recreation Month in Troy.

Background

The month of July is designated as Parks and Recreation month by the National Parks and Recreation Association.

The purpose of this designation is to bring awareness to the benefits of Parks and Recreation.

Parks and Recreation activities and experiences impact and benefit individuals, the community, environment and economy.

"The benefits are endless."

Suggested Resolution

Whereas, Parks, recreation activities and leisure experiences provide opportunities for young people to live, grow and develop into contributing members of society and

Whereas, parks and recreation creates lifelines and continued life experiences for older members of our community, and

Whereas, generating opportunities for people to come together and experience a sense of community through fun recreational pursuits, and

Whereas, park and recreation agencies provide outlets for physical activities, socializations and stress reducing experiences and

Whereas, parks, playgrounds, nature trails, open spaces, community and historic sites make communities attractive and desirable places to live, work, play and visit in a manner that contributes to our ongoing economic vitality and

Whereas, parks and open spaces provide a welcome respite from our fast paced, high-tech lifestyles while simultaneously protecting and preserving our natural environment and

Whereas, parks and recreation agencies touch the lives of individuals, families, groups and the entire community, which positively impacts upon the social, economic, health and environmental quality of our community,

Now, Therefore **Be It Resolved**, that we proclaim July as Recreation and Parks Month and encourage all citizens to celebrate healthy, active lifestyles by participating in their choice of recreation and park activities.



WHEREAS, Larry Keisling began his employment with the City of Troy as City Planner on November 4, 1968, 13 years after it became a City and three years after the first Master Plan was put into place; and

WHEREAS, Larry was promoted to Planning Director on June 28, 1971 and has watched the City grow from largely rural to the envy of Oakland County. In 1971 he was responsible for a major update of the Master Plan; and

WHEREAS, Larry's complete knowledge of land use, zoning and planning helped guarantee that the Master Plan would firmly guide the City with respect to water, sewer capacity, roads and drainage, all studied with two very important guiding principles: minimizing the impact of new development on established neighborhoods, and maintaining a healthy revenue stream for Troy over the long haul; and

WHEREAS, June 8, 2001 marked the occasion of Larry's retirement from the City of Troy with over 32 years of service and pride in the multitude of projects completed within the City's boundaries that have put Troy on the map; and

WHEREAS, During the course of his employment, Larry has contributed many tireless hours of dedicated service to the City of Troy and its citizens, while still finding quality time to devote to his wife Betty and children Brian, Kristin and Laurie;

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy takes this opportunity to express its appreciation to Larry Keisling for his many contributions to the betterment of the City; and

BE IT FURTHER KNOWN, That the City Council of the City of Troy, on behalf of themselves, City administration, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Larry** during his retirement years.

Signed this 9th day of July 2001.

Martin F. Howrylak,

Matt Pryor, Mayor

Thomas S. Kaszubski, Mayor Pro Tem

Robin E. Beltramini, Councilwoman

man David A. Lambert, Councilman

Anthony N. Pallotta, Councilman

Louise E. Schilling, Councilwoman

Advisory Committee for Senior Citizens Minutes of May 3, 2001

Present: David Ogg, Member Steven Banch, Member

Jo Rhoads, Member Ed Forst, Member

Merrill Dixon, Member Bill Weisgerber, Member Lawrence Jose, Member Carla Vaughan, Staff

Excused: Marie Hoag, Member Jane Crowe, Member

Absent: None

Visitors: Jo-Anne Stein, Joe Gilligan, Dale Derning, Ed Volny

Approval of Minutes: Motion by Jo Rhoads, supported by Steve Banch that the minutes of April 5 be approved as submitted. Ayes: All Nays: None MOTION CARRIED

Old Business:

Parks and Recreation Report: Larry Jose reported that an ethnic group would like a cricket field. They play cricket on Saturdays at Boulan Park. A group wants a field for remote control cars. The City is still working on acquiring more park area and making the parks accessible to persons with disabilities.

Troy Medi-Go *Plus* Report: The committee received an e-mail regarding a complaint about Medi-Go. Lillian Karamanian indicated that her mother had been stranded and the telephone at Medi-Go is often not answered. Jo Rhoads reported that Medi-Go is in transition, and they are getting complaints for the first time in 13 years. There are some glitches in the new computer system, and phones are not being answered because the supervisor is on the road driving. The volunteer Board of Directors is making every effort to get things back to normal. Merrill Dixon stated that the Advisory Committee is behind Medi-Go 100%. Carla will respond to Mrs. Karamanian.

Community Center/Civic Center Update: Carla reported that everything is on schedule and the new parking lot on the south side of the building will be done in a few days.

Suggestion Box: In response to a comment in the suggestion box about Troy's trips being priced too high, Larry Jose compared prices with nine other cities. Troy charged more in some cases and less in some cases, but he was unable to compare identical trips, i.e. same seat location, same menu, same departure and return time. Carla explained how trips are priced in Troy, using the June 10 Tiger game as an example. The Committee asked that something be put in the newsletter saying that the Committee would be happy to investigate if provided with specific details. Carla will include this in the June newsletter.

Jo Rhoads responded in writing to Everett Lenderman's request for golf fitness indicating that Carla would arrange such a program when the new community Center opens.

A suggestion was received to have brewed decaffeinated coffee available in the morning, not instant. Steve Banch will investigate.

OLHSA Committee: David Ogg reported that there was a speaker on dementia at the last meeting and that OLHSA has a speaker available to come to our meeting to explain their services. They are working in Lansing to increase funding for senior citizen home care.

Health and Wellness Day: Merrill Dixon will purchase the bagels and Steve Banch will purchase the juice, to be reimbursed by Carla. Several committee members will be present to serve the refreshments. Carla will provide cups, napkins, tablecloth and Advisory Committee brochures.

New Business:

Elton Blose: Jo-Anne Stein, Joe Gilligan, Dale Derning and Ed Volny wanted to know why Elton was terminated. Mr. Volny stated that Elton was popular, and Mr. Derning said that he should have his job back. Carla stated that it is a personnel issue and that she is not allowed to discuss it. Mr. Derning stated that the Advisory Committee should have been consulted and that they should review the matter. Steve Banch indicated that there was some concern about who would replace Elton. Carla stated that the position has been posted and that the City is accepting applications. Steve Banch suggested that persons wishing additional information should contact the City's Personnel Director.

Program Fees: Carla distributed a memo to City Council regarding charging fees to cover direct costs (**attachment**). There are currently eight programs for which direct costs are not covered. The Parks and Recreation Department is recommending that user fees be established to cover these costs and that the Confidential Assistance Program which provides scholarships for low income youth be expanded to include senior citizens. Bill Weisgerber suggested that a study group be formed. Merrill Dixon tabled the matter until the next meeting.

Other:

Term Limits: Merrill Dixon reported that Senior Advisory Committee members are limited to three three-year terms.

Nutrition Report: There were **1265** meals served at the Troy Community Center and **1675** homebound meals delivered during the month of **April**. The average donation was **\$1.69** for meals served at the Community Center.

The meeting was adjourned at 11:50 A.M.

Respectfully submitted,

Carla Vaughan Senior Director To: Honorable Mayor and City Council

From: John Szerlag, City Manager

John Lamerato, Assistant City Manager/Finance and Administration

Gary Shripka, Assistant City Manager/Services Carol Anderson, Parks and Recreation Director

Date: April 16, 2001

Re: Fees for Senior Programs

Background:

Some senior citizen recreation programs have been free since they were first offered two to three decades ago. We would like to begin charging for some of these programs as we move toward having most direct program costs covered by fees.

Instead of offering no cost programs, we would like to revise the Confidential Assistance Program for youth to include seniors as well. Senior programs would then be available to those meeting low-income guidelines at no or reduced cost.

We currently subsidize the following programs (approximate annual subsidy is in parenthesis):

Chair Exercise	(\$800)
Gardens	(\$1100)
Monthly Birthday Party	(\$600)
Movies	(\$90)
Senior Week Dance	(\$400)
Softball	(\$700)
Stretch and Tone	(\$600)
Volleyball	(\$800)

Most programs that have expenses are self-supporting. These include: aquatic exercise, ballroom dance lessons, bingo, bowling, computer classes, dances, defensive driving classes, golf leagues, line dance lessons, massage, muscle conditioning, painting, tai chi, piano keyboard lessons, tap dance lessons, travel, and yoga.

A number of free programs are offered that have no direct expenses. These include: bridge, chorus, cribbage, euchre, harmonica club and lessons, health screenings, needlework club, oil painting club, pinochle, quilting club, speakers, tennis league, and woodcarving club.

The senior newsletter would continue to be printed and distributed monthly at a cost of approximately \$17,000 per year.

Recommended Action:

It is recommended that fees for senior citizen programs cover direct costs. It is further recommended that the Confidential Assistance Program be expanded to include seniors.

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, May 9, 2001, at City Hall in Conference Room C. The meeting was called to order at 3:00 p.m.

PRESENT: Mark Calice

Robert Crawford Mark Halsey

Thomas Houghton, Chairman

John M. Lamerato Anthony Pallotta John Szerlag

MINUTES

Resolution # 01-18

Moved by Pallotta Seconded by Szerlag

RESOLVED, that the minutes of the meeting of April 11, 2001, be approved.

Yeas: All 7

INVESTMENTS

Resolution # 01-19

Moved by Crawford Seconded by Pallotta

RESOLVED, that the Board sell the following stocks and bonds: 10,000 Anheuser Busch; 6,250 Disney and \$500,000 General Electric Credit due 11/1/01.

Yeas: All 7

STUDY SESSION

Resolution # 01-20

Moved by Houghton Seconded by Halsey

RESOLVED, that the Board schedule a Study Session for July 18, 2001 at 300 p.m. in conference Room C.

Yeas: All 7

The next meeting is June 13, 2001 at 3:00 p.m. at City Hall in Conference Room C.

The meeting adjourned at 3:40 p.m.

The Chairman, Lynne Gregory, called the meeting to order at 7:30 P.M., on Thursday, May 10, 2001.

PRESENT: Margaret Gaffney

Lynne Gregory Fern Nelsen Nancy Wheeler

STAFF: Brian Stoutenburg, Library Director

ABSENT: David Cloyd

Michael Gladysz (Student Representative)

ITEM # 1 APPROVAL OF MINUTES OF MEETING OF APRIL 8, 2001.

Motioned by Gaffney Supported by Nelsen

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF APRIL 5, 2001 AS WRITTEN.

Motioned by Wheeler to excuse Mr. Cloyd and Mr. Gladysz from this meeting as they were out of town.

Supported by Gaffney

Yeas: 4 — Ayes. Gaffney, Gregory, Nelsen, Wheeler

Absent: 1 — Cloyd

MOTION TO EXCUSE MR. CLOYD CARRIED.

ITEM # 2 APPROVAL OF AGENDA.

Motioned by Gaffney to approve agenda. Supported by Wheeler

Yeas: 4 — Ayes. Gaffney, Gregory, Nelsen, Wheeler

Absent: 1 — Cloyd

MOVED, TO APPROVE AGENDA CARRIED.

ITEM #3 3/4 POSTPONED ITEM 3/4 DISCUSSION OF COLLECTION DEVELOPMENT AND MANAGEMENT PLAN, was reviewed.

Motioned by Wheeler to approve the Collection Development Plan as written. Supported by Nelsen

Yeas: 4 — Ayes. Gaffney, Gregory, Nelsen, Wheeler

Absent: 1 — Cloyd

MOTION TO APPROVE COLLECTION DEVELOPMENT PLAN CARRIED.

ITEM #4 3/4 CHANGE OF DATE OF JUNE MEETING, was discussed. It was agreed to reschedule June meeting of the Library Advisory Board to Thursday, June 21, 2001.

ITEM #5 3/4 **DISCUSSION OF SPACE REORGANIZATION.** The contract for the renovation project has been held up due to some insurance questions. Once those have been resolved, the contract can move forward.

ITEM #6 3/4 **ELECTION OF OFFICERS.** The report of Nominating Committee was given by Margaret Gaffney. Nominations: Lynne Gregory, Chairman; Fern Nelsen, Vice-Chairman; David Cloyd, Secretary.

Motioned by Wheeler to approve the slate of Officers from the Nominating Committee. Supported by Nelsen

Yeas: 4 — Ayes. Gaffney, Gregory, Nelsen, Wheeler

Absent: 1 — Cloyd

MOTION TO APPROVE SLATE OF OFFICERS CARRIED.

ITEM #7 3/4 REPORT AND COMMUNICATIONS

Director's report. The Director's Reports are attached.

Board Member comments. Nancy Wheeler suggested that the titles to be discussed at the Book Discussion Groups be listed in each Troy Today.

Also suggested was for the Library to explore a Family Pass to area Museums that could be circulated to patrons.

Suburban Library Cooperative. The last meeting was held at the Fraser Public Library. SIRSI training is underway. Replacement PCs for the old Acer machines have been ordered through Dell. It was decided to discontinue email and Internet service to Municipal employees and government officials. Trustees and Staff would continue to have this service provided. Standards were identified regarding computers that the Cooperative would support.

Friends of the Troy Public Library. The revised By-Laws were approved.

Monthly Reports (April). Circulation for the month of April compared with the same time period a year ago showed an increase of 22.9%. There was an increase in Patron visits by 15.8%, and program attendance was up 34.7%.

Staff Changes. New Employees: Joel Tripp, Library Assistant.

Promotions: Jeanette Smith to Acting Librarian; Becky Williams

to Library Aide.

Resignations: Martha Cornish, Substitute Librarian; Annette

Ponichter, Library Aide.

Gifts. No gifts were received.

Informational Items. May TPL Calendar, Access (April 2001)

Contacts and Correspondence. Seven written comments from the public were noted.

Public Participation. There was no public participation.

The Library Advisory Board meeting adjourned at 8:15 P.M.

Respectively submitted,

Brian Stoutenburg Library Director The Vice-Chairman, Christopher Fejes, called the meeting to order at 7:30 P.M., on Tuesday, May 15, 2001.

PRESENT: Kenneth Courtney ALSO PRESENT: Mark Stimac

Christopher Fejes Bob Davisson Marcia Gies Pam Pasternak

Michael Hutson Mark Maxwell Walter Storrs

ITEM #1 - APPROVAL OF MINUTES OF MEETING OF APRIL 24, 2001.

Motion by Maxwell Supported by Storrs

MOTION to approve the minutes of the meeting of April 24, 2001 as written.

Yeas: 4 – Hutson, Maxwell, Storrs, Courtney

Abstain: 2 – Fejes, Gies

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF APRIL 24, 2001 AS WRITTEN.

ITEM #2 – VARIANCE REQUESTED. LIBERTY PROPERTY TRUST, 2600 AND 2710 BELLINGHAM, for relief to construct two new industrial building with a 6' high berm in lieu of the 6' high masonry-screening wall required.

This item was moved to the end of the agenda (Item #6) to allow the petitioner the opportunity to be present.

ITEM #3 – VARIANCE REQUESTED. EVANSWOOD CHURCH OF GOD, 2601 E. SQUARE LAKE, for relief to maintain a landscaped berm in place of the 4'6" high masonry wall required along the west side of off-street parking and relief of the 4'6" high masonry wall required along the north side of off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board to provide a berm in place of the 4'6" high wall on the west side of off-street parking and deletion of the 4'6" high wall required along off-street parking on the north side of the property. This relief was originally granted in 1995 based on the fact that the property immediately north of the parking lot is wetlands and has substantial growth. In 1998 this variance was granted a renewal for a period of three years. Conditions remain the same and we have no complaints on file. This item first appeared before the Board of Zoning Appeals at the meeting of April 24, 2001 and was tabled to allow the petitioner the opportunity to be present.

Mr. John Sharp, Moderator for Evanswood Church of God, and the Pastor, Paul Sober, were present. Mr. Sharp stated that this is the third renewal request they have made and that there are many mature trees growing along the berm. He also said that they would have to remove a very mature oak tree in order to put up a wall. Mr. Sharp also said that the north side of the property is surround by a marsh.

Motion by Courtney Supported by Maxwell

MOVED, to grant Evanswood Church of God, 2601 E. Square Lake, a three (3) year renewal for relief to maintain a landscaped berm in place of the 4'6" high masonry wall required along the west side of off-street parking and deletion of the 4'6" high masonry wall required along the north side of off-street parking.

- Variance is not contrary to public interest.
- There are no complaints or objections on file.
- Conditions remain the same.

Yeas: All – 6

MOTION TO GRANT VARIANCE FOR THREE YEARS CARRIED

ITEM #4 – VARIANCE REQUESTED. MR. DAN SIMIONESCU, 691 OTTAWA, for relief of the Zoning Ordinance regarding the size of accessory buildings and for approval to construct a barn.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a barn. The plans submitted indicate a proposed 1520 square foot barn located behind an existing 1440 square foot detached garage that will result in 2960 square feet of accessory buildings. Section 40.57.04 limits the size of accessory buildings on a parcel to 600 square feet or one-half the ground floor area of the main building whichever is greater. Because the main building on this site covers 3732 square feet, accessory buildings are limited to 1866 square feet. Also, Section 40.57.10 required Board of Zoning Appeals approval for the construction of a barn.

Mr. Dan Simionescu was present and stated that his property covers slightly more than 2 acres of land, and he needs this barn in order to construct stalls for a horse, a donkey and two goats. Mr. Simionescu stated that the animal stay outside in the summer, however, he needs a place for them to go when the weather turns cold. He also needs the extra room for the storage of hay. Mr. Simionescu also said that this barn would be 400' from the road and at least 200' from the rear property line. Mr. Simionescu has four drivers in his family with a fifth on the way and does not have any place to park the

extra cars in the winter. Mr. Simionescu further stated that he had spoken to his neighbor on the east side of his home, who stated that he has no objection to this barn.

Mr. Siomionescu also stated that in the time he has lived in this home, he has not received any complaints on his animals and has a good relationship with his neighbors.

Mr. Stimac explained that there were two items before the Board. The size of the accessory structures needs the petitioner to demonstrate a hardship as it applies to the land, however the Board only needs to approve the construction of the barn without the need for the petitioner to show a hardship. Mr. Hutson asked what there was about the land that would demonstrate a hardship. Mr. Simionescu stated that he could not put the barn in any other location, due to the fact that there is a dip in his property, which is always wet. Mr. Simionescu also said that he did not feel that his request was excessive due to the fact that his property is very large and can support a structure that is this size. Mr. Storrs asked what the height restriction was and Mr. Stimac stated that it is 14'. Mr. Storrs also questioned why the Board had to approve construction of a barn and Mr. Stimac stated that when a structure is used as a barn, to house animals, the Ordinance requires the Board approve it. Mr. Storrs also questioned Mr. Simionescu as to several large boulders which are located on the property. Mr. Simionescu stated that they are planning to use these boulders for landscaping and have a contractor who is doing the work.

Mr. Courtney asked if Mr. Simionescu could convert his detached garage to a barn and Mr. Simionescu stated that it is too far away from the existing animal pen. Mr. Simionescu wants to be able to have a structure connected to the animal pen, so that the animals can go in and out of the structure. Mr. Simionescu further stated that there is a great deal of water due to the fact that there are two culverts in this area causing this portion of his property to be wet most of the time.

Mrs. Gies asked Mr. Simionescu how he came up with the size of the barn and he stated that he had planned on four stalls, plus room for the storage of hay and his tractor.

Mr. Fejes asked what options Mr. Simionescu would have if his request for a variance were to be denied and Mr. Simionescu stated that he would probably just have to continue the way he has been doing things. Mr. Simionescu also stated that due to the fact that this building has an 8' overhang, it appears bigger than it actually is. Mr. Storrs questioned the fact that the overhang was added into the total square footage of the building, and Mr. Stimac stated that overhangs, such as what is proposed here, have always been considered in the total square footage of a building.

Mr. Maxwell questioned the size of the building and the fact that there are already two garages on the property. Mr. Simionescu stated that he had determined that this was

the size of a building he would need and feels that his property should not be considered the same as a typical subdivision lot. Mr. Simionescu also said that if he had to move this structure, he would have to take out his garden and did not feel that they would be able to enjoy their property as they would lose most of their yard. Mr. Maxwell stated that he was concerned with the size of the building, due to the fact that a variance stays with the land, and he thinks there would be too many buildings on the property. Mr. Maxwell asked Mr. Simionescu if he could build a smaller structure, and Mr. Simionescu again stated that he did not believe this request was excessive and that he had researched this very carefully to determine exactly what he would need.

The Vice-Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are no objections on file.

Mr. Fejes stated that he thinks that the property can support another structure, however, he expressed concern over the size of the barn. Both Mr. Hutson and Mr. Courtney stated that they agreed that the size of the structure was of some concern to them. Mr. Simionescu again stated that he had given the size of the structure a great deal of thought, before he brought his request to the Board. Mr. Maxwell asked if he could put a stall in the accessory building and Mr. Simionescu stated that he has two stalls in this building, however, he still has to store his hay outside. Mr. Maxwell asked if the existing building could be converted to a barn and Mr. Simionescu stated that it would be very difficult for him due to the fact that he would have to move the animal pen up and therefore would lose most of his yard.

Motion by Storrs Supported by Gies

MOVED, to grant Mr. Simionescu relief of the Zoning Ordinance regarding the size of accessory buildings and for approval to construct a barn.

- Variance is not contrary to public interest.
- Conforming to the ordinance is unnecessarily burdensome for the petitioner.
- Variance will not cause an adverse effect to surrounding property.
- The large size of this property is such that a building of this size would not be inappropriate.
- The amount of wooded and wet area on the property prevents the property owner from full use of the property.

Motion by Courtney Supported by Hutson

MOVED, to table the request of Mr. Simionescu, 691 Ottawa, for relief of the Zoning Ordinance regarding the size of accessory buildings and for approval to construct a barn until the meeting of June 19, 2001.

- To allow the Board members to take a closer look at this property to determine the hardship.
- To allow the petitioner to determine if a decrease in the request of his variance would be in order.
- To allow the petitioner to present to the Board an interior layout showing why the petitioner requires this size of a building.

Yeas: 6 – Maxwell, Storrs, Courtney, Fejes, Gies, Hutson

MOTION TO TABLE THE REQUEST OF MR. SIMIONESCU UNTIL THE MEETING OF JUNE 19, 2001 CARRIED.

ITEM #5 – VARIANCE REQUESTED. MR. MARK WHISNANT, 2106 VIRGINIA, for relief of the Zoning Ordinance regarding the square footage of accessory buildings.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a detached garage. The permit application indicates the proposed construction of a 1200 square foot detached garage. Section 40.57.04 limits the size of accessory structures to 600 square feet or one half of the ground floor area of the main building whichever is greater. Because the existing house has 1,554 square feet of ground floor area, accessory buildings are limited to 777 square feet.

Mr. Mark Whisnant was present and stated that his garage is presently 24' x 24' and was built in 1943. Mr. Whisnant further stated that this garage is in need of repair and he would like a larger garage due to the fact that he has two full size pickup trucks, 2 snowmobiles, a boat and two four-wheelers. Mr. Whisnant also said that parking is not allowed on the south side of Virginia and his vehicles are placed out in his yard. Mr. Whisnant stated that he would like to be able to store his vehicles and equipment behind a closed door.

Mr. Storrs asked what type of business Mr. Whisnant was in and if he ran a business out of his home. Mr. Whisnant stated that he works for a gravel hauler and does not run a business from his home. Mr. Whisnant further stated that the trucks are parked at his place of business which is on Twenty-Three Mile and Ryan Road.

Mrs. Gies questioned Mr. Whisnant regarding his present garage. Mr. Whisnant stated that the present garage is a two-car garage, however due to the fact that it was built in 1943, it has only one door which makes it very difficult to get his pickup trucks inside. Mr. Storrs asked how long Mr. Whisnant had lived at this address and he stated that

they moved into the home in November 2000. Mr. Whisnant stated that they have done a great deal of clean up on the property.

Mr. Hutson asked if based on the dimensions of the home, Mr. Whisnant could live with a garage that was 40' x 20'. Mr. Whisnant stated that he could live with something smaller and if necessary he could probably make do with what he had; however, he would be forced to store his extra vehicles outside.

The Vice-Chairman opened the Public Hearing.

Mr. Jim Groesbeck, of 2044 Virginia was present and stated that the neighbors do not object to the construction of a larger garage. Mr. Groesbeck stated that the Whisnants have done a very good job of cleaning up this property and understands why they would like to be able to store their property inside a building. Mr. Groesbeck approves of this variance request.

Gary Tarr of 2009 Milverton was present and stated that he also approved of this variance request.

No one else wished to be heard and the Public Hearing was closed.

There is one written approval on file. There is one written objection on file.

Mr. Storrs asked if Mr. Whisnant could live with a garage which would be 40' x 25', which would reduce the variance request by 200 square feet. Mr. Whisnant stated that he would be willing to reduce the size of his garage.

Motion by Maxwell Supported by Storrs

MOVED, to grant Mr. Mark Whisnant, 2106 Virginia relief of the Zoning Ordinance regarding the square footage of accessory buildings.

- Size of garage would be reduced to 30' x 34'.
- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.
- Petitioner is willing to work with the Board regarding the size of his request.
- There is no parking permitted on the petitioner's side of Virginia.

Yeas: 6- Storrs, Courtney, Fejes, Gies, Hutson, Maxwell

MOTION TO GRANT VARIANCE WITH ABOVE STIPULATION CARRIED

ITEM #6 (ITEM #2) - VARIANCE REQUESTED. LIBERTY PROPERTY TRUST, 2600 AND 2710 BELLINGHAM, for relief to construct two new industrial buildings with a 6' high berm in lieu of the 6' high masonry-screening wall required.

This item was moved to the end of the agenda (Item #6) to allow the petitioner the opportunity to be present.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board in May 2000 to construct two new industrial buildings with a 6' high berm in lieu of the 6' high masonry-screening wall required. Conditions remain the same and we have no objections or complaints on file.

Ms. Janell Gilardone, representing Liberty Property Trust was present and stated that she had nothing to add.

Motion by Courtney Supported by Maxwell

MOVED, to grant Liberty Property Trust, 2600 and 2710 Bellingham, a two (2) year variance for relief to construct two new industrial buildings with a 6' high berm in lieu of the 6' high masonry-screening wall required.

- Conditions remain the same.
- We have no complaints or objections on file.
- Two-year variance to allow the Board to observe the maintenance of the berm.

Yeas: 6 – Storrs, Courtney, Fejes, Gies, Hutson, Maxwell

MOTION TO GRANT VARIANCE FOR TWO (2) YEARS CARRIED

MISCELLANEOUS BUSINESS

Motion by Courtney Supported by Hutson

MOVED, to elect Mr. Fejes, Chairman for the Board of Zoning Appeals for the term ending May 2002.

Yeas: 6 – Courtney, Fejes, Gies, Hutson, Maxwell, Storrs

MOTION TO ELECT MR. FEJES CHAIRMAN FOR THE BOARD OF ZONING APPEALS CARRIED

Motion by Courtney

Supported by Fejes

MOVED, to elect Mr. Hutson, Vice-Chairman for the Board of Zoning Appeals for the term ending May 2002.

Yeas: 6 – Courtney, Fejes, Gies, Hutson, Maxwell, Storrs

MOTION TO ELECT MR. HUTSON, VICE CHAIRMAN FOR THE BOARD OF ZONING APPEALS CARRIED

The Board of Zoning Appeals meeting adjourned at 8:41 P.M.

MS/pp

.

Absent: None

FINAL MEETING MINUTES OF MAY 22, 2001

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:33 P.M. on Tuesday, May 22, 2001 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present: (All 9) Chamberlain

Kramer

Littman

Pennington

Reece

Starr

Storrs

Waller

Wright

Also Present:

Laurence G. Keisling, Planning Director

Mark Miller, Principal Planner

Robert Davisson, Assistant City Attorney

Jordan Keoleian, Student Representative

Barbara Holmes, Deputy City Clerk

The Commission welcomed new Planning Commission member Cindy Pennington. Ms. Pennington was appointed to fill the unexpired term of Robin Beltramini, who was elected to the City Council.

MINUTES – Regular Meeting of May 8, 2001 Special Meeting of May 7, 2001

Mr. Chamberlain stated that the Resolution approving the Revised Plan for the St. Petka Church should be revised to delete the word "significant" in the fourth condition attached to the Commission's action. That condition would now read "(4) Any other changes to the Site Plan will be returned to the Planning Commission for their review and approval."

RESOLUTION:

Moved by: Reece Seconded by: Littman

RESOLVED, that the minutes of the Regular Meeting of May 8, 2001 be approved as corrected.

Yeas: All Present (9) Absent: None

MOTION CARRIED

Mr. Chamberlain noted that there were a couple of detail items, including Mr. Lenivov's address, which needed to be included in the Draft Minutes which he prepared for the May 7, 2001 Special Meeting with Mayor Matt Pryor.

RESOLUTION

Moved by Starr Seconded by Wright

RESOLVED, that the Minutes of the Special Meeting of May 7, 2001 be approved as modified.

Yeas: Chamberlain

Littman <u>Abstain</u>: Kramer <u>Absent</u>: None

Pennington Reece Starr Storrs Waller Wright

MOTION CARRIED

3. OATH OF OFFICE – PLANNING COMMISSION MEMBERS

Mr. Keisling noted that the City Clark and the Acting City Attorney have determined that it is necessary to administer an Oath of Office to Planning Commission members and to members of other City Boards and Committees. Barbara Holmes, Deputy City Clerk, then administered the Oath of Office to the Planning Commission members.

REGULAR BUSINESS ITEMS

4.. <u>PUBLIC HEARING – SPECIAL USE REQUEST</u> – Proposed Temporary Outdoor In-Line Hockey Rinks – North of Big Beaver, West of John R Road – Section 23.

Mr. Keisling explained that, in May of 2000, the Planning Commission granted Special Use Approval for the temporary placement of two outdoor in-line hockey rinks on a portion of the B-2 and O-1 zoned Troy Sports Center Site on the north side of Big Beaver, west of John R Road. This request was submitted in accordance with Section 21.30.04-B of the Zoning Ordinance, which provides for the establishment of such outdoor recreational activities on B-2 sites, subject to conditions related to matters such as location, setback, and fencing. The approval granted at that time covered the period from May 10, 2000 to September 30, 2000.

Mr. Keisling noted that the property owners and petitioners have once again submitted a request for Special Use Approval in order to enable the proposed outdoor in-line hockey rinks to be placed on their site, in a manner identical to that approved by the Planning Commission last year. The Plan submitted with this request is an excerpt from the Plan which was approved in conjunction with the Commission's action in May of 2000. At their request, and in part at the suggestion of staff, the Public Hearing advertisement related to this matter indicates the potential establishment of this temporary use for periods extending from May 1 through September 30 in the years 2001, 2002, and 2003. Mr. Keisling stated that, as indicated at the time of the original request, the location and proposed use meet applicable ordinance provisions, with the condition as previously applied relative to the blocking off of seating inside

the Sports Arena in order to ensure adequate parking. Staff therefore recommended that this request for Special Use Approval for the three Summer periods be granted.

Mr. Davisson distributed a memorandum from Ms. Bluhm, regarding a phone call which she had received from Mrs. Rasmussen, a resident in an area northwest of the subject site. Mrs. Rasmussen complained about various noises emanating from the proposed use.

In response to Mr. Chamberlain's question, Mr. Keisling noted that the Commission could limit the hours of operation of this proposed use, in conjunction with their action on the Special Use Request. Mr. Reece expressed concern about the adequacy of parking in the event that a high-volume activity such as the Home Show might occur during the Summer.

The Public Hearing was declared open.

Dennis Bostick and other representatives of the Troy Sports Center were present. Mr. Bostick stated that the hours of operation were typically from 6 p.m. to 11 p.m. or 11:30 p.m. Sweeping up the lot, about which Mrs. Rasmussen complained, occurs after 7:30 a.m. and not late at night. In response to Mr. Reece's questions about potential large-scale events, Mr. Bostick stated that such events typically do not occur in the Summer. Summer events most often include athletic camps, clinics, etc. In response to Mr. Littman's question, Mr. Bostick noted that the rink elements will be secured by anchors placed in concrete pads. In response to Mr. Storrs questions about the detention basin in the area to the northeast fronting on John R, Mr. Keisling explained that it is a private basin, and that the property owners are responsible for maintenance. Mr. Bostick indicated that he would follow through on the cutting of weeds in that area, as he did not want it to become a nuisance.

No one else wished to be heard.

The Public Hearing was declared closed.

RESOLUTION

Moved by Waller

Seconded by Littman

RESOLVED, that Special Use Approval, as requested for the temporary placement of two outdoor in-line hockey rinks on a portion of the B-2 and O-1 Zoned Troy Sports Center site on the north side of Big Beaver, west of John R is hereby granted, in accordance with Section 21.30.04-B of the Zoning Ordinance, for periods extending from May 1 through September 30 for the years 2001, 2002, and 2003, subject to the following conditions:

- 1) Seating inside the Sports Arena building will be blocked off in order to offset parking spaces made unavailable by this use.
- 2) Additional spectator area will be provided outside the limits of the rinks, delineated or barricaded in a manner which will assure the health, safety and welfare of the public.

Mr. Storrs expressed concern about granting this approval for three years. He felt that approval for 2001 would be adequate and that a condition should be added relative to limiting outdoor activity after midnight. Mr. Reece also noted that, with the Commission's action, it is assumed that when the rinks are in place, seating within the Sports Center will be blocked-off.

RESOLUTION

Moved by Littman

Seconded by Wright

RESOLVED, that the resolution regarding the Special Use Request for the temporary placement of two outdoor in-line hockey rinks on the Troy Sports Center site be amended to apply just to 2001, and to include that there be no outdoor activity on this site between midnight and 7 a.m.

Yeas: All Present (9) Absent: None

MOTION CARRIED

The resolution was thus amended to read as follows:

RESOLVED, that Special Use Approval, as requested for the temporary placement of two outdoor in-line hockey rinks on a portion of the B-2 and O-1 Zoned Troy Sports Center Site on the north side of Big Beaver, west of John R is hereby granted, in accordance with Section 21.30.04-B of the Zoning Ordinance, for a period extending from May 1 through September 30, 2001, subject to the following conditions:

- 1) Seating inside the Sports Arena building will be blocked off in order to offset parking spaces made unavailable by this use.
- Additional spectator area will be provided outside the limits of the rinks, delineated or barricaded in a manner which will assure the health, safety, and welfare of the public.
- 3) There will be no activity on the site between midnight and 7 a.m.

(Vote on amended motion)

Yeas: All Present (9) Absent: None

MOTION CARRIED

STUDY ITEMS

BOARD OF ZONING APPEALS REPORT

Mr. Storrs noted that Marsha Gies, formerly a member of the Board of Review, has now been appointed to the Board of Zoning Appeals. She has replaced Mr. Milia who chose not to be reappointed.

Mr. Storrs then commented on a request for a variance in order to permit the construction of accessory buildings exceeding the area limit of the Zoning Ordinance on a 2-acre lot on the north side of Square Lake between Rochester and Livernois. The Board tabled action on this

matter for further review. Mr. Storrs felt that the request appeared to be reasonable, and noted that perhaps the Ordinance ought to permit additional accessory building area on larger parcels.

6. CURRENT DEVELOPMENT REPORT

Mr. Keisling advised the Commission that, the City Council, at their May 21 Regular Meeting, approved the Preliminary Plan for the proposed Shady Creek North Site Condominium. In part as a result of a communications error, the Council tabled action on the proposed West Oak Subdivisions until their June 4, 2001 Regular Meeting.

Mr. Keisling then referred to the memorandum which had been distributed to the Commission, regarding the development of Zoning Ordinance language which would enable "Transfer of Development Rights" processes within the DDA District . This matter first came up as the result of a proposal to develop a high-rise office building on a parcel abutting the northwest quadrant of the I-75/Big Beaver interchange. The parcel includes a portion of the Magna site. The developers are proposing to transfer a portion of the building intensity permitted by the Zoning Ordinance which Magna will not be using on the remainder of their site, to the proposed site within the Big Beaver frontage, so that a larger building can be constructed. The Preliminary concept proposed by staff would involve projects which would result in an overall reduction of p.m. peak hour traffic as compared to full development under the current zoning classifications of both parcels involved. The resultant development should also have a significantly larger amount of landscaping as compared to development in accordance with the Zoning Ordinance.

Mr. Chamberlain commented that this matter had also been presented to and preliminarily discussed by the DDA. He doesn't support the proposal to limit the potential use of this development tool to the DDA District. He does however like the potential for applying this approach to the Civic Center site. Mr. Reece questioned the nature of the "control mechanism" which would be involved in order to assure that the development of the parcels involved is limited as intended. Mr. Keisling commented on the approach used for the transfer of sanitary sewer units in the Evergreen District, where the transfer is established through a recorded agreement executed by the two property owners involved, as well as by the City. Mark Miller noted that the present intent of staff is that this development approach would be used on abutting parcels. Mr. Littman noted that this approach would encourage the use of parking structures. The Commission then discussed several other potential elements of a "Transfer of Development Rights" approach, and raised questions about matters such as involving a variety of types of land uses, involving parcels which are substantially removed from one another, and using the TDR approach for the preservation of open space and natural features. Mr. Chamberlain asked that the staff minimize the size or volume of the proposed text.

7. DOWNTOWN DEVELOPENT AUTHORITY REPORT

Mr. Chamberlain commented on the May 16, 2001 DDA Meeting, which involved discussion of their proposed 2001 – 2002 budget, and extensive discussion of the DDA bonding process. He then asked that the date of the next DDA Meeting be confirmed (June 20, 2001), and that there be adequate notice of the dates of these meetings, along with the potential cancellation of same. He then noted that the City Council is proposing to visit the theater in Rosemont, Illinois, and the Cobb Center near Atlanta, in order to assist them in their potential decisions regarding a Performing Arts Center and a Conference Center on the Civic Center site.

8. PROPOSED FUTURE LAND USE PLAN

Mr. Keisling noted that, in recent Study Meetings, the Commission has been discussing various potential amendments to the Master Land Use Plan, which could then become a part of an updated plan document which is proposed to be called the Future Land Use Plan (consistent with the title contained in recent proposed legislation). At the March 27th Study Meeting a Draft Revised Future Land Use Plan map, incorporating those matters which had been discussed to date was presented and discussed. Staff had also previously presented a proposed Transportation Plan element of the overall Future Land Use Plan which would depict the Master Thoroughfare Plan, the proposed city-wide walkway/bikeway plan, and other transportation related elements. The Commission subsequently proposed some additional items which could be included on the Transportation Plan. As the Commission proceeded in their discussion of potential Future Land Use Plan Amendments, staff was asked to depict those additional amendments in the same manner as had previously been done, through the use of a map which depicts only the proposed amendments and not the underlying plan. Some Commission members also requested some background items which should be included in the explanatory text portion of the proposed Future Land Use Plan.

It was noted that, in preparation for this meeting, the Commission had received an updated proposed Transportation Plan map, including those items previously suggested by the Commission. An updated map indicating potential Plan Amendments was also provided. The Commission also received a portion of the proposed explanatory text, which included an historical summary entitled Evolution of the Master Plan, Goals and Objectives of the Future Land Use Plan, background information, and a portion of the section related to the elements of the City's current development.

Mr. Keisling and the Commission reviewed the map indicating potential Future Land Use Plan changes. In the course of the Commission's discussion it was decided that the current land use configuration indicated in the northwest quadrant of the Big Beaver/John R intersection should remain as presently depicted. In conjunction with a discussion of present and potential (Environmental) Preservation Areas, Mark Miller noted that the map being prepared by Dr. Jaworski will provide another resource for additions to the indicated Preservation Areas. Dave Waller asked that the proposed Planned Auto Center designation be extended further west across the Maple Road frontage.

In the course of discussing the proposed Transportation Plan, Mr. Kramer noted that new State legislation has been presented and perhaps adopted in relation to the use of "Neighborhood Electric Vehicles". Such vehicles could certainly become a significant part of a community's transportation resources. Staff was asked to secure a copy of the legislation. Mr. Littman expressed concern about the indication of a walkway/bikeway through the wooded portion of the Northfield Hills open space area. Mr. Storrs confirmed that maps indicating the signed Bikeway System throughout the City area still available. Mr. Keisling noted that the vast majority of that system is on local streets. Mr. Chamberlain commented that the Commission must encourage implementation of the various elements of the Big Beaver Corridor Urban Design Plan, including seating and other street furniture, etc. in order to make the area more pedestrian friendly. After discussion of the proposed "Transit Corridors", it was decided that the Transportation Plan should include the indication of such a Corridor on Livernois extending south from Big Beaver to the City's south boundary.

In response to Mr. Chamberlain's question, Mr. Keisling confirmed that the text provided to the Commission thus far does not include language related to the proposed Future Land Use Plan itself.

9. PUBLIC COMMENTS

No one wished to be heard.

The Meeting was adjourned at 9:50 p.m.

Respectfully Submitted,

Laurence G. Keisling Planning Director

/lbz

TROY DAZE MINUTES MAY 22, 2001

Called to order at 7:34PM by Bob Berk.

Present: Cele Dilley Cheryl Whitton-Kaszubski

Jim Cyrulewski Bill Hall

Kessie Kaltsounis Dave Swanson Jeff Biegler Bob Berk Dick Tharp Sue Bishop Steve Zavislak Cindy Stewart

Chairpersons & Guests: Scott Wharff JoAnn Preston

Tom Kaszubski Dave Lambert Robert Preston Gloria Whicker Raymond Diaz Shirley Darge

Linda Hannon Michael Oleszkowicz

Alison Miller

Motion by Cheryl, second by Kessie, and carried, to excuse Eldon Thompson as he is out of town.

Secretary Report – Motion by Kessie, second by Sue, and carried, to accept April minutes as printed.

Treasurer's report – Cheryl reports the city showing revenues of \$115,488.99 and expenses of \$141,538.76. She also reported that City Council has approved the new budget.

New Business – Jim recommended a new committee be created as Teen Special Events. A motion was made by Sue, second by Kessie, and carried, to establish Teen Special Events Committee, appoint Alison Miller and Rebecca Mill as Chairpersons and to appoint Alison Miller as Chairperson for the New Cars Auto Show.

Jim reviewed the criteria for presenting Milestone Plaques to participants. Still need 10 years or more with Troy Daze.

Old Business – Update on Purchase Orders for a variety of items needed this year. Jeff Biegler is in the process of getting quotes on golf carts, porta johns, chairs/tables, stage/dance floor/lighting and the tents. When Jeff has all the information, he will initiate purchase orders for each. In getting info on the larger tents that were mentioned last month, so far it looks like a minimum cost of \$5,000.00 and he will need the Board to decide if they wish to spend that amount before he puts anything in the purchasing system.

The board decided to use hunter green shirts this year and Joy will take care of that after number of shirts needed is determined.

The fireworks purchase order is finished just waiting for the insurance certificate to be sent to Risk Management.

The date is to be announced for the meeting with City Council regarding the Troy Daze Mission Statement. Do hope to have results soon.

Updating the ride vendor situation, Pugh is in the process of filing a form of bankruptcy, offered a Surety Bond equal to our highest numbers, but there actually is no guarantee they would be able to provide services. It was recommended to City Council and they approved to go with Arnold's Amusements. Jim and Bob both mentioned that a pre-opening walk through is back on the agenda this year.

Adjourned at 7:56PM.

Next Troy Daze Advisory Committee meeting, Tuesday, June 24, 2001, at 7:30PM to be followed by Festival Committee Meeting.

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES - DRAFT - JUNE 6, 2001

The Chairman, Nancy Sura, called the meeting to order at 7:09 pm Wednesday, June 6, 2001.

Present: Leonard Bertin, member Nancy Sura, member

Angela J Done, member
Dorie House, member
Nancy Johnson, member

John Rodgers, member

Jerry Ong, student rep

Cynthia Buchanan, alt member

Shreyas Patel, student rep

Mitch Grusnick, staff Mary McGinnis, staff

Absent: Phillip D'Anna, member Sharon Connelly, member

Mary Ann Butler, alt member Kul B Gauri, alt member

ITEM B - APPROVAL OF MINUTES OF MEETING OF May 2, 2001.

Motion by Bertin Supported by Kuschinsky

ITEM C - VISITORS, DELEGATIONS AND GENERAL PUBLIC

Jo Rhoads – Troy Medi-Go and Senior Advisory Committee Annette Kingsbury – Troy Eccentric Newspaper

ITEM D - NEW BUSINESS

Nancy Sura explained the purpose of this Committee for new members and guests. She passed out a 1998 report prepared by this Committee titled New Troy Community/Civic Center.

Sura motioned the nomination of Leonard Bertin as chairperson and Angie Done as vice chairperson. Motion by Kuschinsky and supported by Rodgers to close nominations. All voted in favor of closing nominations and in support of Bertin for Chairperson and Done for Vice-Chairperson.

Sura highlighted accomplishments of this Committee during her leadership such as the appointment of a student representative and expanding the Committee to 12 members. This Committee has also helped identify some needs of the community with the Community Block Program, Medi-Go, and the design and function at the new Community Center.

Sura also stated that more cross communication between Committees has developed, and that having City Staff Representatives attend our meetings has been a wonderful addition.

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES - DRAFT - JUNE 6, 2001

Bertin stated that he would like to see a specific place provided at the Library that the general public could use to obtain information on disability issues. Between Bertin and Johnson they have a lot of information or could suggest materials that could be useful, but it needs to be in a centralized place to be readily available.

ITEM E - REGULAR BUSINESS

Bertin suggested that since Carla Vaughan is the ADA representative for the City, that she should be invited to one of our meetings to explain what her duties are in this area.

Mitch Grusnick spoke to Mark Stimac, Director of Building and Zoning, about giving this Committee the opportunity to review the plans of improvements to City owned buildings. Mr. Stimac agreed to this idea and will send plans when they become available.

ITEM F - OLD BUSINESS

Bertin had a comment on the quality of service of the Home Chore Program. The service of lawn mowing is poor, the lawn is not cut on time, they do not complete weed whacking, his downspouts have been driven over with the mowers and there are gouges in the trees. Bertin suggested that someone from Bill Needs office should make some type of spot inspection to see if the quality of work is up to City's standards.

Bertin has talked to Carol Anderson from the Community Center concerning the accessibly of the Nature Center to persons with disabilities. Anderson has stated that she is amenable to purchasing a four-wheel outdoor scooter with 12" wheels for persons with disabilities to use on the trails.

Sura stated that she has taken over as teacher of the Adaptive Computer Club at the Community Center, Patel will be her assistant. The club has 8 kids at the present time and are hoping to eventually make it a drop in program.

ITEM G - INFORMATIONAL ITEMS

Jo Rhodes the founder of Troy Medi-Go and a member of the Advisory Committee for Senior Citizens was a guest at the meeting. Sura asked if there were unmet needs at Medi-Go? Rhodes stated that there are a few so Medi-Go has to prioritize at times. Cancer, radiation, dialyses and chemo patients are prioritized rides. Rhodes stated that Independence for Life is going to disband and has given Medi-Go their two vans, but stated that they still need two more vans, one with a lift.

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES - DRAFT - JUNE 6, 2001

ITEM H - ADJOURN

Motion was made to adjourn by Done and seconded by House. Meeting was adjourned at 9:14 p.m.

MG:mm

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:32 p.m. on Tuesday, June 12, 2001, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

All Present: (9) Chamberlain

Absent: None

Kramer Littman Pennington

Starr Storrs Waller Wright

Reece (7:40 p.m.)

Also Present: Mark F. Miller, Principal Planner

Laurence G. Keisling, Planning Director

Lori Bluhm, Acting City Attorney

Jordan Keoleian, Student Representative

MINUTES – Special/Study Meeting of May 22, 2001

Mr. Wright noted that the minutes related to the proposed temporary outdoor in-line hockey rinks on Big Beaver, west of John R Road should be modified to consistently indicate that it was Mrs. Rasmussen who had complained about various noises emanating from the proposed use.

Moved by: Wright Seconded by: Littman

RESOLVED, that the minutes of the Special/Study Meeting of May 22, 2001 be approved as corrected.

Yeas: Chamberlain Abstain: Starr Absent: Reece

Kramer
Littman
Pennington
Storrs
Waller
Wright

MOTION CARRIED

3. PUBLIC COMMENTS:

No one wished to be heard.

Subdivisions

4. <u>PRELIMINARY PLAT-TENTATIVE APPROVAL</u> – Oak Forest Subdivision (Revised) – West side of John R Road, South of Square Lake Road – Section 11

Mr. Miller explained that, in the Spring of 2000, the Planning Commission considered Tentative Preliminary Plats for two Subdivisions in the area, west of John R Road and south of Square Lake Road, then known as Oak Forest and Oak Forest, South Subdivisions. The original Oak Forest site extended ½ mile west from John R Road in an irregular configuration, to Willow Grove. The last action taken by the Planning Commission on these proposals was postponement, at the request of the proprietor, in order to enable submittal of the required environmental information, completion of the necessary Environmental Review of the subject property, and submittal of the plats, revised to indicate the results of the Environmental Review and the changes requested by staff.

Mr. Miller noted that a revised plat for proposed of Oak Forest Subdivision has now been submitted involving just the easterly 10.2-acre portion of the site, extending west 1/4 mile from John R Road. This proposed Subdivision consists of 24 lots developed in accordance with the lot-averaging provisions applicable to the subject R-1C Zoning District. The street pattern involves a single street access from John R Road, now properly located directly opposite Highbury Drive in the Stoneridge Subdivisions. A stubstreet connection is proposed extending south to the present Holm Street right-of-way within the Eysters John R Farms Subdivision. A stub street is also proposed to extend to the north, in order to provide for potential additional residential development in that area. Storm water detention is proposed to be provided in an off-site location abutting immediately to the west, between the proposed subdivision site and the Fetterley Drain. It is intended that this basin site will ultimately serve this proposed subdivision, along with additional potential development in the area to the west. It is further intended that this basin will ultimately be conveyed to the City for maintenance. The plan attached to the proposed subdivision plat indicates an asphalt service access drive to the basin site within an easement along the edge of a proposed hypothetical street alignment in that area.

Mr. Reece arrived.

Mr. Miller noted the MDEQ Wetlands Assessment report, which had been conveyed under the Wattles Square, Inc. cover letter of April 24, 2001. Dr. Jaworski, the City's Interim Environmental Consultant, has now provided a report in response to the MDEQ Assessment, which indicates slightly more wetland area.

In response to Mr. Waller's questions, Mr. Miller confirmed that the MDEQ has final authority in relation to wetlands and that they must ultimately grant a wetland permit before construction can begin. Mr. Littman questioned the use of a part of proposed Lot 13 for wetland mitigation. Mr. Miller confirmed that the lot will be buildable, with exclusion of the mitigation area.

Joel Garrett was present representing the proprietors, and indicated that he would be willing to answer any questions.

Bill Collins of Huron Ecologic in Rochester Hills stated that he was a Wetlands Consultant, and that the wetland boundaries appear to be "way off". Some wetland area is not shown on the plat. He disagrees with the proposal to create several mitigation areas. He questioned the timing of the Wetland Evaluation, in relation to the growing season for wetland plants. He felt that the Planning Commission and the Council shouldn't pass off the wetland question entirely to the MDEQ. Finally, he stated that the MDEQ will review a wetland without a Preliminary Plan Approval. In relation to Mr. Kramer's question regarding surface water versus ground water impacts, Mr. Collins commented that although the matter is somewhat subjective, ground water should be considered in Wetland Evaluation.

Lon Ullman of 5621 Willow Grove was present and stated that there are saturated soils in this area from October to late May. Two years ago the City's staff and consultant identified an historic wetland in the area to the north, related to the Blue Heron Rookery. It took the developer's consultant three visits to the site in order to complete his Wetland Evaluation. Mr. Ullman objected to home sites encroaching into wetlands, and to the potential placement of the detention basin within a flood plain area. He noted that the developer's proposal includes the enclosure of the Fetterley Drain, to which he also objected. He felt that a development involving fewer lots, along with preservation of large trees and wetland areas, would be far preferable.

Mr. Winkler Prins of 650 Eckford explained that he was in the "indoor air quality" business, wherein he attempted to resolve moisture problems in homes. He noted that hydrostatic pressure from ground water causes problems with basement walls which are quite difficult to overcome. He also commented that potential disease problems can occur and that the City should avoid actions which would create contaminated buildings.

In response to Mr. Littman's question, Ms. Bluhm stated that it was her understanding that a Preliminary Plan is necessary in order to request a Wetland Permit, but the matter is still somewhat unclear. In response to Mr. Storr's question, she indicated that the City Council has requested MDEQ hearings in the past on wetland matters. The Planning Commission could certainly recommend that such a request be forwarded.

Joel Garrett stated that approximately five years ago the City Council considered a proposal to share with him the cost of improving the Fetterley Drain. The City decided not to proceed. The Fetterley Drain must be improved before development proceeds in this area. He corrected Mr. Ullman's comment by indicting that it took three inspections by the MDEQ, not three tries by his consultant, in order to develop the Wetlands Assessment. He has developed in Troy since the mid-1960's and he would not cause a health problem. One of the problems is that the City and the County have failed to maintain the Fetterley Drain.

In response to Mr. Wright's question, Mr. Garrett stated that it is intended that the homes in this area will have basements. Mr. Wright was concerned about the impact of ground water hydrology on basement walls, and wondered whether the Engineering Department could provide information about such concerns. Mr. Kramer shared Mr. Wright's concern, but felt that Engineering matters can't be addressed by the Planning Commission. Mr. Storr's felt that the Planning Commission has done all they can do under current Ordinance provisions.

Moved by Waller

Seconded by Storrs

RESOLVED, that the Planning Commission hereby recommends to the City Council that Tentative Approval be granted to the Preliminary Plat of Oak Forest Subdivision, on the west side of John R Road, south of Square Lake Road in Section 11, subject to the condition that the City request an MDEQ hearing in relation to the potential Wetland Permit Application.

Yeas: Chamberlain

Nay: Wright Kramer Littman

Reece Starr Storrs Waller

Pennington

MOTION CARRIED

In response to Mr. Reece's question, Ms. Bluhm stated that if the City Council requests a hearing on an MDEQ Wetland Permit Application, the Council would be responsible for determining the extent of any notice.

Mr. Wright stated that his nay vote was due to his concern that health, safety and welfare matters were not adequately addressed (in relation to ground water).

Site Plans

5. SITE PLAN REVIEW - Proposed Birchwood Estates Site Condominium - South side of Wattles, West of Dequindre - Section 24

Mr. Miller explained that a Site Plan has been submitted for a proposed Single-Family Residential Site Condominium known as Birchwood Estates, involving an 8.6-acre assembly of R-1C zoned property on the south side of Wattles, west of Dequindre. The subject site consists of all or part of a series of lots from the Eyster's Dequindre Farms Subdivision Number 5. The site abuts the west edge of the office-zoned parcels at the southwest corner of Wattles and Dequindre, and the north edge of the Woodglen Park Subdivision which is presently being developed. The petitioners in this matter, the Elro Corporation, proposed a project consisting of 23 home sites and a detention basin site. The configuration of the property and its relationship to the excepted parcels within the Wattles Road frontage caused a situation whereby some of the home sites will front on Wattles Road. In those cases, joint driveway easements will be provided in order to minimize the occurrence of driveway intersections with Wattles Road. The proposed development will be served by a single street extending from Wattles, which will be a northerly extension of Wardlow Drive from the Woodglen Park Subdivision to the south. A temporary street turn-around should be provided at the west end of the longer eastwest street.

Mr. Miller noted that this site is encumbered by an oil pipeline which runs diagonally through the southeasterly portion of the site. A portion of a county drain also crosses the southwest corner of the site. A Wetland Evaluation was submitted with this proposal. The City's Interim Environmental Consultant prepared a report in response to that evaluation, indicating a larger wetland area affecting the lots at the western end of the site. This report also indicated that the storm water detention basin could not be located in an MDEQ Regulated Wetland and flood plain, as proposed. The ultimate wetland and flood plain boundaries will, of course, be determined through the MDEQ Permit process. With this recognition, and the with the provision of a temporary turn-around at the west end of the proposed east-west street, Preliminary Plan Approval was recommended by staff.

Mr. Chamberlain inquired as to whether the proposed development would make the existing houses within the Wattles Road frontage non-conforming. Mr. Storrs expressed a concern regarding the potential street pattern including the extension of Wardlow Drive, which would enable drivers to cut through the area in order to avoid the Dequindre-Wattles intersection.

Richard Schoenherr was present representing Elro Development, along with Graham Orley and Jesse Kranz. Mr. Schoenherr confirmed that no non-conformities will be created in relation the existing houses. One house will be removed. The proposed extension of Wardlow Drive north to Wattles Road was recommended by staff. He felt that the proposed intersection was the only place within the Wattles Road frontage where a connection could be made, due in part to the required street offset from Morningdale Drive on the north side of Wattles Road.

Mr. Storrs proposed that the Wardlow Drive extension be ended in a blind cul-de-sac immediately south of Wattles Road. A potential connection to Wattles Road could then be provided for the future, in the area west of this proposed development. Mr. Schoenherr confirmed that such a plan would still enable direct construction access from Wattles Road.

Moved by Storrs

Seconded by Littman

RESOLVED, that the Planning Commission hereby recommends to the City Council the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of the One-Family Residential Site Condominium known as Birchwood Estates on the south side of Wattles west of Dequindre, be approved with the inclusion of a cul-de-sac at the north end of Wardlow Drive adjacent to Wattles Road, in order to avoid creating a direct by-pass of the Wattles/Dequindre intersection. With this action it is recognized that a future potential westerly extension of Birchdale Drive could provide Wattles Road access to this area.

In the course of the Commission's further discussion, it was suggested that it would be preferable to maintain Wattles Road access to this proposed development, while eliminating the connection between this site and the Woodglen Park Subdivision site to the south. Mr. Littman then withdrew his second of the previous recommending motion.

Moved by Littman

Seconded by Waller

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Preliminary Plan as submitted under 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of the One-Family Residential Site Condominium known as Birchwood Estates on the south side of Wattles west of Dequindre, be approved, subject to the following conditions:

- 1. The provision of a temporary turn-around at the west end of the proposed east-west street.
- 2. No connection to Wardlow Drive to the south, in order to eliminate cut-through traffic.

Navs: Reece

Storrs

3. Maintain pedestrian access from this site to Wardlow Drive.

Yeas: Chamberlain

Kramer

Littman

Pennington

Starr

Waller

Wright

MOTION CARRIED

Mr. Reece and Mr. Storrs stated that their negative votes were due to their position that street inter-connection between Woodglen Park Subdivision and this site is important. Mr. Storrs felt that a blind cul-de-sac adjacent to Wattles Road would be a preferable approach, along with the potential for a future connection to Wattles Road in the area to the west.

6. <u>SITE PLAN REVIEW</u> – Proposed Troy Pines II, Site Condominium – East side of John R, South of Long Lake Road – Section 13

Mr. Miller explained that a Site Plan has been submitted for a proposed Single Family Residential Site Condominium known as Troy Pines II, potentially involving a 6.6-acre R-1C zoned assembly of properties on the east side of John R Road south of Long Lake The subject site abuts the north edge of the original Troy Pines Site Road. Condominium, within which homes are presently under construction. The Larson Middle School abuts to the east. A portion of the flood plain for the Gibson County Drain crosses the northeast corner of the site. The petitioners in this matter, Premium Construction, have submitted several different site plans since their original submittal. This plan evolution resulted from a combination of staff direction to conform with Ordinance Requirements, and the petitioner's desire to maximize the lot count. Of the layouts submitted by the petitioners, staff preferred one involving the northerly extension of Douglas Fir Drive from the Troy Pines Site Condominium to the south, along with a street extending into the John R Road frontage and ending in a blind cul-de-sac. Their request for revisions of that plan in order to conform with Ordinance Requirements resulted in the submittal of additional alternative plans which no longer included the John R Road frontage. The petitioners indicated that the economics of land acquisition, and the limited number of lots, would not enable them to include that frontage portion of the site in their development. Staff's direction was that, if the John R Road frontage is not included, the plan as ultimately presented should provide for future development within that frontage consistent with the previously proposed blind cul-de-sac layout. Also, in order to enable the most reasonable development within the excepted John R Road frontage, the westerly extent of the presently proposed development should be reduced in order to assure the potential availability of four home sites within that frontage exception. The petitioners have indicated that they cannot alter the property dimensions to accomplish the blind cul-de-sac on the John R Road frontage and therefore that the staff's preferred layout cannot be accomplished. The most recent plan submitted involves a street which ends at the east edge of the John R Road frontage exception. If, as the petitioners now indicate, they no longer control the John R Road, exception, the staff must reluctantly support the street configuration most recently presented. This Plan properly indicates the provision of a 12-foot wide public walkway right-of-way extending east to the Larson Middle School. Staff has also indicated to the petitioners that construction access to this development must be directly from John R Road, rather Finally, Mr. Miller indicated that the than across existing adjacent local streets. Environmental Reports submitted by the petitioners and by the City's Consultant are generally consistent, and did not impact the proposed development.

In response to Mr. Waller's questions, Mr. Miller stated that construction access is not controlled by Ordinance, but it was his understanding that such a requirement is contained in the City's development standards. In response to another question, Mr. Miller and Ms. Bluhm indicated that the City maintains public walkways to park and school sites.

John Pavone and Mukesh Mangla, the petitioners, were present. Mr. Pavone indicated that a blind cul-de-sac could be provided in the future but that it would only serve two lots within the John R Road frontage. Since that frontage was sold to others, he has not been able to secure construction access rights. He then commented on some of the other plans which they had prepared, including a plan involving an independent cul-desac on the site to the north, thus not requiring a stub-street extension to that property. In response to Mr. Kramer's questions, Mr. Pavone indicated that they had also prepared a plan involving a cul-de-sac ending within their present ownership area. commented, that that particular plan involved undesirable lot depths. expressed concern about the potential extension of Scotch Pine Drive, the existing street nearest to John R Road. Mr. Pavone indicated that extension of that street into the parcel abutting the southwest portion of their property could enable a 3-lot cul-de-sac. Mr. Reece felt that action should be tabled on this matter in order to further consider the relationship between the proposed development and the potential future development on adjacent properties. Mr. Waller asked whether layouts on adjacent properties could be required. Ms. Bluhm stated that requesting such layouts would be reasonable.

Moved by Waller

Seconded by Chamberlain

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family

Residential Site Condominium known as Troy Pines II, on the east side of John R Road south of Long Lake Road, be approved.

Mr. Storrs noted that the owners of the John R Road frontage abutting the northerly portion of the site have chosen the property configuration that has resulted, so they should not object to development limitations in the future. Mr. Littman agreed with the potential tabling of action this matter in order to review the overall potential plan for the area.

Moved by Kramer

Seconded by Reece

RESOLVED, that action on the Preliminary Plan for the proposed Troy Pines II Site Condominium, on the east side of John R Road south of Long Lake Road, be tabled until the June 26th Study Meeting, in order to further consider the best future development plans for the total area.

Yeas: Pennington

Storrs

Wright

Kramer Reece Littman Nays: Starr

Waller

Chamberlain

MOTION CARRIED

Mr. Starr, Mr. Waller and Mr. Chamberlain indicated their position that action could proceed on this matter. Mr. Waller felt that a requirement for the provision of plans for excepted parcels should be applied consistently, rather than on an irregular basis.

7. <u>SITE PLAN REVIEW</u> – Proposed Peacock Farms Site Condominium – West of Rochester Road, North of Square Lake Road – Section 3

Mr. Miller explained that a Site Plan has been submitted for a proposed Singe-Family Residential Site Condominium known as Peacock Farms, involving an 11-acre assembly of R-1B zoned properties lying west of Rochester Road, north of Square Lake Road, and specifically north of Ottawa Road. The subject site consists of the rear major portion of acreage parcels which include the Peacock Poultry Farm's operation, along with a portion of a large platted lot extending south to Ottawa Road. The developer was unable to acquire land extending further to the west on Ottawa, and thus will be developing a single-loaded street in that area. The proposed street pattern will extend north from Ottawa and then west to an area involving platted but unopened partial street rights-ofway and street easements lying south of Marengo and east of Norton Street. The petitioners propose street rights-of-way and improvements which will provide for the extension of a full street to the north toward Marengo. Staff concurs with petitioners proposal to provide just a half-street right-of-way in an area to the south, so that the future provision of a street extending into the Ottawa Road lots in that area will be aligned with the proposed street to the north. It may be reasonable to accept a deposit for the construction of a portion of the stub-street extending to the south with the intention that the street would actually be constructed at such time as the west half of the right-of-way is available.

Mr. Miller noted that the home sites within this development will be sized in accordance with the lot-averaging provisions applicable to the subject R-1B Zoning District. The proposed shallow-sloped unfenced storm water detention area in the southeast portion of the property will ultimately be conveyed to the City for maintenance. The Wetlands Evaluation carried out by the petitioner's consultant generally concurred with the City's Interim Environmental Consultant. Approval of this 21-unit site condominium was recommended.

Bob McComb, the petitioner, was present. He noted that he would be requesting a waiver of the sidewalk requirement along the west side of the proposed street extending north from Ottawa, which would not involve any home sites. In response to Mr. Kramer's question, he indicated that he was aware that an MDEQ Permit process would be necessary, and that any resultant revisions in the layout, would require review by the Planning Commission.

Bob Nielsen of 900 Marengo, stated that he was representing several Marengo residents. Although they appreciated the improvements recently carried out in their area by the City, they felt that the proposed development would be detrimental to their area. He noted the Elliott Drain at the rear of their properties, and stated that the flow in that drain has increased considerably in recent years and has caused tremendous erosion problems, etc. The construction now proposed will cause even more run-off. Area residents were also concerned about the considerable loss of trees in this area which would result from the proposed development. In response to Mr. Chamberlain's question, Mr. Miller explained that the City's tree preservation procedures emphasize preservation of trees in the 4-inch to 10-inch diameter range. Mr. Kramer noted the concerns about the volume of flow in the Elliott Drain, and inquired as to whether that drain could or should be improved at this time.

Tom Thompson of 6285 Rochester Road (four parcels north of Ottawa) stated that his property was adjacent to the Peacock property, and that alterations to their site have made the flooding problems in this area worse. His property is at the lowest elevation in the Section. He was concerned that the proposed detention basin may not be adequate. He commented that backyards in this area have not been usable for two years.

Milton Curtis of 875 Ottawa stated that his property would become the new "corner lot" in the area as it will lie along the west side of the proposed street extending north from Ottawa. He inquired as to where the storm drain facilities will be connected in this area, and why access must be provided to this development from Ottawa other than just from Rochester Road. He also inquired as to who would be responsible for maintenance of the margin along the west side of the proposed street, and the maintenance of the detention basin.

Mr. McComb stated that the detention basin will outlet to Rochester Road. The basin will be shallow-sloped and unfenced. Access to Rochester Road is not available as the property does not front on Rochester Road.

The Commission advised Mr. Curtis that he would be responsible for maintenance of the area along the west edge of the proposed street.

Tom Patton of 841 Ottawa expressed concern about the change in character of the neighborhood which will result from the proposed development, which involves lots which are much smaller then the existing lots in the area along Ottawa. Considering the water problems, the road problems, and the potential loss of trees in this are, he felt that it would be far preferable to establish a park in the area rather than the proposed development.

Alex Muezynski of 830 Ottawa stated that storm sewers in the area are already over capacity. He felt that the plan should be rejected until the developers find another way of providing access and improving storm sewers.

In response to Mr. Chamberlain's question regarding lot-size compatibility, Mr. Keisling noted the actions which occurred in the area of the Willison Subdivision on Square Lake between Livernois and Crooks. In that case the City's Attorneys advised that a subdivision development meeting Ordinance requirements should be approved, even though the proposed lots are smaller than the adjacent lots. Mr. Chamberlain further commented that this area apparently has a substantial storm water problem, and that solutions to the problem must be found.

Moved by Waller

Seconded by Kramer

RESOLVED, that action on the Preliminary Plan for the proposed Peacock Farms Site Condominium, in the area west of Rochester Road and north of Square Lake Road be tabled until the July 24th Study Meeting, in order to enable further study as to the storm water situation in the area, and the potential disparity of lot sizes.

Yeas: All Present (9) Absent: None

MOTION CARRIED

Mr. Reece and Mr. Wright commented that information as to elevation of adjacent properties and potential cross-sections in the rear yard drainage areas should be provided.

Special Use Requests

 PUBLIC HEARING – SPECIAL USE REQUEST – Proposed Hospital Site Expansion – West side of Dequindre, South of South Boulevard – Section 1

Mr. Miller explained that, on May 18, 2001, a request was submitted for the establishment of a child-care center on the William Beaumont Troy Hospital site on the west side of Dequindre, South of South Boulevard. The child-care center plan also indicated the construction of a "utility shop" or service building on the site, in order to better provide for site and building maintenance activities. In the course of reviewing the plan, staff recognized that the site involved extended beyond the site originally approved for the establishment of the William Beaumont Troy Hospital. With the consent of the petitioners, staff then expanded the advertisement for the Special Use Approval Public Hearing to include consideration of a proposal to expand the total site of the hospital to

include the land extending south from the presently-developed site to the Ranieri Subdivision, the land which was rezoned to CF and EP classifications in June of 2000. This rezoning added approximately 19 acres to the potential hospital site, bringing the total site area to 66.6 acres.

Mr. Miller stated that, during the week of May 29 to June 1, Beaumont representatives withdrew their day-care center proposal, but indicated that they wanted to proceed with the proposal to expand the hospital site itself. In accordance with Section 18.30.04 of the Zoning Ordinance, this hospital site expansion proposal will also require approval of the City Council. The Commission's action on this matter will therefore be in the form of a recommendation to the City Council, who will then take the final action on same.

Mr. Miller noted that the question now before the Planning Commission is the propriety of expanding the site of William Beaumont-Troy Hospital to a total of approximately 66.6 acres. There are presently no specific building proposals within the proposed expansion area. Beaumont representatives have however indicated that they are proceeding with their Master Planning efforts, as indicated in conjunction with their most recent rezoning request. Potential expansion of this hospital site is indicated on the Master Land Use Plan, and was the basis for the rezoning which occurred of June of 2000. It was the recommendation of staff that action be taken to approve the request for expansion of this hospital site.

Mr. Chamberlain and Mr. Storrs raised a question as to why the E-P-zoned area should be included in the hospital site for Special Use Approval purposes.

The Public Hearing was declared open.

Kelly Panoff of 2833 Ranieri Drive was present and raised a question as to whether this action is premature if no construction is proposed in the expansion area for eight to ten years. She also inquired as to any restrictions which the City has on hours of construction activity.

Terry Guirey of 2777 Ranieri Drive also questioned the need for the site expansion action.

Mary Bogush of 5916 Patterson Drive raised a question as to whether the specific uses which will occur on this site should be specified.

No one else wished to be heard.

The Public Hearing was declared closed.

The Commission extensively discussed the pros and cons of proceeding with an action which would just expand the hospital site, but not include any specific building proposals. They also discussed the effects of including the EP-zoned area in the hospital site for Special Use Approval purposes. Mr. Miller noted that the EP zoning provisions control the uses in that area whether it is included in a Special Use Approval action or not.

Moved by Kramer

Seconded by Littman

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the expansion of the site of the William Beaumont-Troy Hospital, on the west side of Dequindre south of South Boulevard, to include an approximate 19.1-acre area lying between the presently developed hospital site and the Ranieri Subdivision, be approved with the exception of the E-P-zoned portion of the William Beaumont-Troy Hospital property.

Mike Engle of Kasco, Inc. was present on behalf of Beaumont Hospital. He indicated that they would be willing to withdraw their request, in order to avoid any confusion or misunderstanding.

Chairman Chamberlain indicated that this request had been withdrawn and thus that no further action is necessary.

Rezoning Proposals & Text Amendments

9. <u>PUBLIC HEARING – PROPOSED REZONING</u> – North of Long Lake Road, West of Livernois – Section 9 – R-1B to R-1T

Mr. Miller explained that, in March of this year, the City Council took action to rezone parcels totaling approximately 5.5 acres in area on the north side of Long Lake Road west of Livernois from R-1B to R-1T in order to enable construction of the proposed Harrington Park Condominium Development. A Site Plan for that development was approved by the Planning Commission on April 10, 2001, and the City Council has now adopted a resolution authorizing the vacation of the Virgilia Street right-of-way which lies in the midst of the site, in order to enable final consolidation of the site. In the course of detail review of the various matters regarding this site, it was recognized that the depth of the site lying east of the Virgilia Street right-of-way was ten feet less then that portion of the site lying to the west. In conjunction with the requested street vacation, Mr. Maniaci, the developer, has acquired a 100-foot deep portion of the R-1B zoned lot lying north of the present R-1T site, on the east side of the Virgilia Street right-of-way, in order to provide for the potential future construction of a cul-de-sac street ending in that area. This acquisition also potentially enabled addition of a 10-foot by 125-foot strip of land to the Condominium Site, at such time as that parcel would be rezoned to the R-1T classification. The resultant north-south dimension of the site in this immediate area will thus be the same as the site depth in the area west of Virgilia.

Mr. Miller stated that Mr. Maniaci has now requested rezoning of a 10-foot by 100-foot parcel on the north edge of his site from R-1B to R-1T, so that the parcel can be added to the Harrington Park Condominium site. When the vacation of the Virgilia right-of-way is completed, the east-west dimension of this parcel will be expanded to 125 feet. The Planning Department sees no problem with the addition of this small parcel to the potential Harrington Park Condominium site. Approval of this rezoning request was therefore recommended.

The Pubic Hearing was declared open.

Joseph Maniaci, the petitioner, was present and had no further comment.

No one else wished to be heard.

The Public Hearing was declared closed.

Moved by Littman

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the R-1B to R-1T rezoning of a 10-foot by 100-foot parcel lying north of Long Lake Road and west of Livernois, abutting the R-1T zoned site of the proposed Harrington Park Condominium Development, be granted as such rezoning will enable a reasonable minor expansion of the residential condominium site.

Yeas: All Present (9)
MOTION CARRIED

Absent: None

 PUBLIC HEARING – PROPOSED REZONING – North of Big Beaver, West of John R. – Section 23 – R-1E and P-1 to O-1

Mr. Miller explained that a request has been submitted, by the San Marino Club, for the rezoning of the present P-1 zoned portion of their site and a portion of the R-1E zoned area still further to the north, to the O-1 (Low-Rise Office) classification. The San Marino Club building itself lies within the present O-1 zoned portion of the site which has approximately 404 feet of frontage on Big Beaver Road. The present P-1 zoned area extends 124 feet north of the O-1 boundary. The R-1E zoned land proposed for rezoning extends 255 feet still further to the north. It was Mr. Miller's understanding that it was the petitioner's intention to have their proposed north O-1/R-1E boundary in line with the B-2/R-EC boundary of the Troy Sports Center Site abutting to the east. Initial investigation indicates that their proposed rezoning area extends approximately ten feet further north than the B-2 zoning boundary to the east. This request is submitted in order to enable further improvement of the building and facilities which have been established in the present R-1E zoned area.

As background, Mr. Miller noted that in 1981, San Marino Club received Special Use Approval in order to establish an outdoor recreation area on the northerly 6-acre R-1E zoned portion of their property. The only building proposed at that time was a 3,000-square foot picnic shelter. That building was constructed, and was subsequently enclosed and expanded without the necessary additional approvals.

It was his understanding that this building is now used as the Clubhouse or meeting facility for the San Marino Club members. The owners have been advised that, if they wish to continue this use or expand the building any further, rezoning will be necessary.

Mr. Miller stated that, in the course of staff review of this request, it was noted that the area remaining to the north is fully developable for Single-Family Residential purposes, even considering the oil pipeline which runs diagonally through the site. If the subject property is to be rezoned, there is no reason why the area involved should extend any further north than the north boundary of the B-2 zoned site to the east. It was further

staff's position that, consistent with the approach taken in recent years when additional non-residential zoning has been applied, it would be reasonable to establish E-P (Environmental Protection) zoning on the northernmost and westernmost 50 foot portions of the R-1E zoned area proposed for O-1 zoning.

Mr. Waller asked why the proposed E-P area was not extended further south along the west edge of the P-1 zoned portion of the San Marino Site. Mr. Miller explained that it is expected that P-1 zoning will, at some time in the future, be extended further east across the north edge of the vacant O-1 zoned site immediately west of the San Marino property. Mr. Storrs expressed concern about the realistic potential for additional residential development of the area to the north which is proposed to remain R-1E.

The Public Hearing was declared open.

Bruno Casadei was present representing the San Marino Club. He confirmed that conversations with Mark Stimac of the Building Department indicated that their northerly building is presently non-conforming and that it would be necessary to rezone the property now under consideration in order to enable the present uses of the building to continue and to enable any expansion of that building. In relation to the area still further to the north, he noted that the San Marino Club has maintained that area as a soccer field for many years, as a service both to their members and to the community. In response to a question from the Commission, he further stated that they would have no objection to reducing the northerly limit of the area requested for rezoning so that it will be in line with the B-2 boundary to the east. The proposed E-P zoning would also be acceptable, as long as they could use that area as a portion of their active recreation area.

No one else wished to be heard.

The Public Hearing was declared closed.

In response to Mr. Waller's question, it was indicated that the staff had not discussed the proposed E-P zoning with the petitioners. He was concerned about that lack of communication.

Moved by Kramer

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the rezoning of a 3.5-acre portion of the San Marino Club Site in the area north of Big Beaver and west of John R Road, from R-1E and P-1 to O-1, in order to enable continuation and expansion of facilities and activities in this area, be approved with the following modifications:

- Reduce the northerly extent of area proposed for rezoning by approximately ten feet in order to place it in line with the B-2/R-EC boundary immediately to the east.
- 2. Apply E-P Zoning to the northernmost and westernmost 50-foot portions of the resultant area proposed for R-1E to O-1 Rezoning.

This action is taken with the understanding that the proposed E-P area will still be able to be used for active recreation purposes, in accordance with the Zoning Ordinance provisions.

Yeas: Chamberlain

Nays: Storrs

Absent: None

Kramer
Littman
Pennington
Reece
Starr
Waller
Wright

MOTION CARRIED

Mr. Storrs stated that his nay vote was due to his opinion that this request resulted in too much O-1 zoning depth, and that there would not be enough land left for meaningful residential development.

The Meeting was adjourned at 11:15 p.m.

Respectfully Submitted

Mark F. Miller Principal Planner A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, June 13, 2001, at City Hall in Conference Room C. The meeting was called to order at 3:00 p.m.

PRESENT: Mark Calice

Mark Halsey

Thomas Houghton, Chairman

John M. Lamerato

Anthony Pallotta (arrived 3:05 p.m.) John Szerlag (arrived 3:05 p.m.)

Robert Crawford ABSENT:

MINUTES

Resolution # 01-21

Moved by Halsey Seconded by Calice

RESOLVED, that the minutes of the meeting of May 9, 2001, be approved.

Yeas: All 4

Absent: Crawford, Pallotta, Szerlag

RETIREMENT REQUESTS

Resolution # 01-22

Moved by Halsey Seconded by Lamerato

RESOLVED, that the retirement requests of Ronald A. Barnard, 8-13-01, DC, public Works, and David G. Drouillard, 9-10-01, DC, Public Works, be approved.

Yeas: All 4

Absent: Crawford, Pallotta, Szerlag

OTHER BUSINESS

John Grant of McDonald Investments reviewed with the Board the March 31, 2001 Investment results.

Resolution # 01-23

Moved by Pallotta Seconded by Lamerato

RESOLVED, that the Board confirm the purchase of Kraft stock at their Public Offering.

Yeas: All 6

Absent: Crawford

Resolution # 01-24

Moved by Pallotta Seconded by Halsey

RESOLVED, that the Board authorize John M. Lamerato to transfer the McDonald Investment account to a firm to be named contingent that the terms, conditions and services remain the same.

Yeas: All 6

Absent: Crawford

INVESTMENTS

Resolution # 01-25

Moved by Szerlag Seconded by Calice

RESOLVED, that the Board purchase the following stocks: 5,000 Pepsi; 5,000 Kraft and 5,000 Corning.

Yeas: All 6

Absent: Crawford

COHEN & STEERS EQUITY INCOME FUND

The Board will review the prospectus of the Cohen & Steers Equity Income Fund at their July meeting.

The next meeting is July 13, 2001 at 3:00 p.m. at City Hall in Conference Room C.

The meeting adjourned at 4:05 p.m.

JUNE 19, 2001

The Chairman, Christopher Fejes, called the meeting to order at 7:30 P.M., on Tuesday, June 19, 2001.

PRESENT: Kenneth Courtney ALSO PRESENT: Mark Stimac

Christopher Fejes Bob Davisson
Michael Hutson Pam Pasternak

Matthew Kovacs Mark Maxwell David Waller

ABSENT: Marcia Gies

The Building Department had received a letter from Mrs. Gies stating that she would be out of town for this meeting.

Motion by Courtney Supported by Maxwell

MOVED, to excuse Mrs. Gies from this meeting as she is out of town.

Yeas: 6 – Fejes, Hutson, Kovacs, Maxwell, Waller, Courtney

MOTION TO EXCUSE MRS. GIES CARRIED

ITEM #1 - APPROVAL OF MINUTES OF MEETING OF MAY 15, 2001.

Motion by Courtney Supported by Maxwell

MOTION to approve the minutes of the meeting of May 15, 2001 as written.

Yeas: 5 – Hutson, Kovacs, Maxwell, Courtney, Fejes

Abstain: 1 – Waller

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF MAY 15, 2001 AS WRITTEN.

ITEM #2 – VARIANCE REQUESTED. MR. DAN SIMIONESCU, 691 OTTAWA, for relief of the Zoning Ordinance to permit 2960 square feet of accessory buildings where 1866 square feet are permitted by Section 40.57.04 and for approval to construct a barn per Section 40.57.10.

ITEM #2

Mr. Stimac explained that Mr. Simionescu is requesting relief of the Zoning Ordinance to construct a barn. The plans submitted indicate a proposed 1520 square foot barn located behind an existing 1440 square foot detached garage that will result in 2960 square feet of accessory buildings. Section 40.57.04 limits the size of accessory buildings on a parcel to 600 square feet or one-half the ground floor area of the main building whichever is greater. Because the main building on this site covers 3732 square feet, accessory buildings are limited to 1866 square feet. Also, Section 40.57.10 required Board of Zoning Appeals approval for the construction of a barn.

This item first appeared before the Board of Zoning Appeals at the meeting of May 15, 2001 and was tabled until this meeting to allow the Board members to take a closer look at this property to determine the hardship. This tabling also was to allow the petitioner to determine if he could decrease the size of his request and to allow him to present to the Board an interior layout showing why a building of this size is required.

Mr. Simionescu stated that his property is more than 2-acres and requires a large amount of lawn equipment for its maintenance. He further stated that he has a trailer, snow blowers and a tractor. He stated that he would also like to be able to use this building to store his hay. Mr. Simionescu also said that due to the placement of this barn it would not be visible to any of his neighbors, and would help to eliminate some of the mud that is created by the pen that he now keeps his animals in. Mr. Simionescu brought in pictures and a layout of the interior of the proposed barn. He stated that he had tried to work out a request for a smaller variance, but was unable to figure out how he could work everything into a smaller building.

Mr. Courtney asked Mr. Simionescu if he presently had two garages and Mr. Simionescu stated that he did. He parked cars in one and used the other for his tractor and in inclement weather, this building was used to house the animals.

Mr. Maxwell asked Mr. Simionescu to describe what kind of animals he had and Mr. Simionescu said that he has a horse, a donkey, two goats and a sheep. Mr. Maxwell then asked if Mr. Simionescu thought he could care for the animals properly without this building, and Mr. Simionescu stated that he feels they would get the best care if he had somewhere to house them in both the extreme heat and extreme cold.

There are four (4) written approvals on file. There are no written objections on file.

Mr. Hutson stated that he did not feel there was a physical hardship with the land and Mr. Simionescu stated that he couldn't get full use of this property without this variance. Mr. Maxwell stated that he feels that this is a very unique situation and that Mr. Simionescu's property can easily support this extra accessory building. Mr. Fejes stated that he had hoped that Mr. Simionescu would have come back to the Board with a request for a lesser variance request and Mr. Simionescu said that he had attempted

ITEM #2

to develop a plan asking for a smaller building, however, he feels that he needs this size of building to store everything he has.

Motion by Maxwell Supported by Waller

MOVED, to grant Mr. Dan Simionescu relief of the Zoning Ordinance to construct an accessory building that will result in a total of 2960 square feet of accessory buildings where 1866 square feet are permitted and relief of the Zoning Ordinance to construct a barn.

- Property is large enough to support this building.
- Variance would not have an adverse effect on surrounding property.
- Barn would not be visible to surrounding neighbors.
- This variance is not contrary to public interest.

Yeas: 4 – Kovacs, Maxwell, Waller, Fejes

Nays: 2 – Hutson, Courtney

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUESTED. MR. MARC DYKES REPRESENTING HOME PROPERTIES, 2003-2281 LOVINGTON for relief of the Zoning Ordinance to construct carports at the Canterbury Square Apartments at the property line where a six foot setback is required by Section 40.57.05.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct carports at Canterbury Square. Section 40.57.05 requires a 6' minimum setback from an accessory building to any side or rear property line. The site plan submitted indicates the proposed carports constructed right up to the north and east property lines.

Mr. Marc Dykes representing Home Properties was present and stated that they are attempting to update this property and also provide amenities for the people who rent the apartments at this location. Mr. Dykes stated that they plan to have the carports back up to the existing 5' high screening wall, which will help to improve the appearance of these carports. Mr. Dykes further stated that the property to the north is currently zoned multi family.

Mr. Hutson asked Mr. Dykes if there was parking along the front of the apartments and if carports are constructed in this area. Mr. Dykes stated that they did not want to put carports in the front of the apartments in order to preserve the look of the buildings, as **ITEM #3**

well as to keep the landscaping intact. Mr. Hutson then asked what the physical characteristics of the property were, that would require the carports to be constructed in

this area. Mr. Dykes stated that they wished to use the screening wall as a visual screen as well as a back wall for the carports. He further stated that there are not any constraints except for the fact that they would like to keep parking open in the front of the buildings.

Mr. Courtney asked if the carports were moved 6' back if that would place them in the middle of the drive and Mr. Dykes stated that this would make the drive smaller and a large amount of asphalt and cement would have to be moved. Mr. Stimac stated that the minimum requirement for a two-way drive is 24'. Mr. Waller asked if the carports did not back up to the concrete wall how would this extra space be filled in. Mr. Dykes said that presently the asphalt goes right to the concrete wall and they were hoping that the cement wall would act as the back of the carport.

Mr. Maxwell asked what impact the carports would have on neighboring property and Mr. Dykes stated that he felt it would be minimal. Mr. Dykes further stated that once you got above the third floor of the apartment building, you would probably be able to see the tops of the carports. Mr. Dykes also said that the property along Milverton is pretty well wooded and feels that this will also act as screening.

Mr. Waller advised Mr. Dykes that the City is presently looking into acquiring the land to the east to develop a subdivision park and Mr. Stimac stated that City Council had recently passed a resolution directing the City to acquire this land for a park. It was suggested that perhaps Mr. Dykes would like to wait for the request of a variance on the east side of the property, until a determination has been made as to what will happen to this property.

Mr. Kovacs asked Mr. Dykes if he had future plans for this property and Mr. Dykes stated that Home Properties has only owned this parcel of land approximately four years and they are trying to do many exterior improvements to the building. They would like to do the carports on the north side of the property now and on the east side of the property sometime in the future. Mr. Stimac explained that the Administration had decided that it would be easier for Mr. Dykes to come before the Board and ask for a variance for all the property at one time, rather than to come back to the Board on a reoccurring basis asking for a variance for each area. Mr. Stimac further explained that based on the site plan submitted by Mr. Dykes the areas marked 1, 2, and 5 do not require a variance. The areas marked 3 and 4 on the north side of the property require a variance as well as the areas marked 6 and 7 on the east side of the property.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

ITEM #3

There is one written approval on file with the stipulation that he would approve the request for the variance if a fence or barrier were installed along the wooded area to help keep the litter from the apartments to a minimum.

There are no written objections on file.

Mr. Hutson brought up the fact that recently the City had changed the Ordinance to require landscaped berms in lieu of screening walls and wondered if a berm would be more appropriate. Mr. Stimac stated that this was applicable mainly where Churches abuts to single family residential zoned property and that a 4'-6" wall would still be required for property that is zoned multi-family.

Motion by Waller Supported by Courtney

MOVED, to grant Mr. Marc Dykes, representing Home Properties, a variance for relief of the Zoning Ordinance to construct carports at the Canterbury Square Apartments at the property line on the north side, depicted on the site plan submitted as areas 3 and 4.

- The location of the existing site improvements make compliance with the requirements overly burdensome.
- Variance is not contrary to public interest.
- Petitioner to become fully aware of plan for the property on the east side of this complex.
- Variance will not have an adverse effect on surrounding property.
- Variance will not establish a prohibited use.

Yeas: 5 – Kovacs, Maxwell, Waller, Courtney, Fejes

Nays: 1 – Hutson

MOTION TO GRANT VARIANCE FOR AREAS ON THE NORTH PROPERTY LINE, DESIGNATED AS 3 AND 4 ON SITE PLAN CARRIED

The petitioner withdrew his request for a variance on areas depicted as 6 and 7 on the site plan submitted. The Board took no further action.

ITEM #4 – VARIANCE REQUESTED. MR. JOHN ARDNER, 2387 TOPAZ for approval to construct a freestanding gazebo as required by Section 40.57.10.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a freestanding gazebo. Section 40.57.10 of the Zoning Ordinance required Board of Zoning Appeals approval for construction of a gazebo. Mr. Stimac further **ITEM** #4

stated that the petitioner is not required to meet the hardship requirements for a gazebo.

Mr. Ardner was present and stated that he and his wife have lived in the Troy area for over twenty (20) years and his wife would like a gazebo in the yard.

Mr. Maxwell asked if there were any other accessory buildings on the property and Mr. Ardner stated that there were not any other buildings on this property.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Motion by Maxwell Supported by Courtney

MOVED, to grant Mr. John Ardner, 2387 Topaz approval to construct a freestanding gazebo as required by Section 40.57.10.

- This variance will not cause the property to be overbuilt.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: 6 – Waller, Courtney, Fejes, Hutson, Kovacs, Maxwell

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUESTED. MR. JOHN BEDNARSKI, 456 STARR for relief of the Zoning Ordinance to construct a 750 square foot detached garage where 621 square feet are permitted by Section 40.57.04.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a detached garage. Section 40.57.04 limits the area of all accessory buildings on a parcel of land to 600 square feet or one-half the ground floor area of the main building whichever is greater. The plans submitted indicate a 750 square foot detached garage. The footprint of the house is 1,242 square feet, which limits the size of accessory buildings on this site to 621 square feet.

Mr. John Bednarski was present and stated that the reason he would like to construct this size garage is to park two vehicles inside as well as keep his lawn equipment and other tools. He stated that this home has a basement that is only 200' square feet with **ITEM #5**

a height clearance of approximately 5'-11". Mr. Bednarski further stated that there is only enough room for a laundry area, a furnace and his water heater. He said that he would like to have extra room for storage. Mr. Bednarski also said that he had spoken to his neighbors and they indicated that they did not object to this variance.

Mr. Waller asked how many people live in the home and Mr. Bednarski replied that there are three adults and each has their own car.

Mr. Fejes asked what recourse Mr. Bednarski would have if this variance were not granted and Mr. Bednarski stated that he probably would not build anything. Mr. Bednarski further stated that he had thought of attaching the garage to the home, however, he was afraid that too many additions would not make this home aesthetically pleasing. Mr. Bednarski also stated that if he attached the garage, he would have to remove an existing sunroom. Mr. Bednarski further explained that eventually he would like to build a new home on the site.

Mr. Courtney asked Mr. Bednarski why he felt he needed the depth of the garage to be 32'. Mr. Bednarski explained that this would allow him to park his pickup truck as well as his work van, and still have extra room for the storage of lawn equipment as well as numerous tools that he owns.

Mr. Maxwell asked if attaching the garage to the house would improve the area and Mr. Bednarski stated that he would have to remove a number of very large mature trees. Mr. Bednarski further stated that his home was originally built in 1928 and added on to in 1968. Mr. Bednarski is concerned that attaching the garage may give the appearance of the home being chopped up. Mr. Kovacs asked if the proposed location of the garage would require Mr. Bednarski to remove a tree that is located very close to it. Mr. Bednarski replied that he had measured the area and was quite sure the garage would not endanger this tree.

The Chairman opened the Public Hearing.

Mr. Kurt Hahn of 473 Starr was present and stated that he approves of this variance.

No one else wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There is one (1) written objection on file.

Motion by Maxwell Supported by Kovacs

ITEM #5

MOVED, to grant Mr. John Bednarski, 456 Starr relief of the Zoning Ordinance to construct a 750 square foot detached garage where 621 square feet are permitted by Section 40.57.04.

- The lot is larger than the standard lot in this area.
- The existing home has little usable basement area.
- Variance request is reasonable.
- This variance would not have an adverse effect on surrounding property.
- This variance is not contrary to public interest.
- Conforming is unnecessarily burdensome.

Yeas: 5 – Fejes, Hutson, Kovacs, Maxwell, Waller

Nays: 1 – Courtney

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUESTED. MR. & MRS. JOE SANDOVAL, 5338 CROWFOOT, for relief of the Zoning Ordinance to construct a sunroom addition with a 32.8' rear yard setback where 40' is required by Section 30.10.04.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a sunroom addition. Section 30.10.04 requires a 40' minimum rear yard setback in the R1C Zoning District. The site plan submitted indicates a 32.8' rear yard setback to the proposed sunroom.

Mr. Bob Pelzel, of Temo's Sunrooms was present representing the Sandoval's and stated that this sunroom was going to be constructed of 70% glass in an effort to keep the impact on any neighboring property to a minimum. Mr. Pelzel went on to say that there are a lot of trees on the property and because of this there are a lot of bugs. Mr. Pelzel stated that the Sandoval's would like to be able to sit outside and enjoy their property. Mr. Pelzel further stated that there is a school behind this property and that this lot is only 125' deep.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are no written objections on file.

Motion by Waller Supported by Hutson

ITEM #6

MOVED, to grant Mr. and Mrs. Sandoval relief of the Zoning Ordinance to construct a sunroom addition with a 32.8' rear yard setback where 40' is required by Section 30.10.04.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.
- The property immediately behind is a school site.
- Position at center of home minimizes impact on adjacent homes.
- Addition is 70% glass.
- This variance will not establish a prohibited use.

Yeas: 6 – Courtney, Fejes, Hutson, Kovacs, Maxwell, Waller

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 – VARIANCE REQUESTED. CONSERVATIONS UNLIMITED, 3513 SHERWOOD, for relief of the rear yard setback to construct a sunroom with a 33'-6" rear yard setback where a 35' rear yard setback is required by Section 34.20.03.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a sunroom addition. Section 34.20.03 requires a 35' minimum rear yard setback in the R-1C Zoning District in subdivisions developed using the open space option. The site plan submitted indicates a rear yard sunroom addition with a proposed 33'-6" rear yard setback.

Mr. Robert Clark, of Conservations Unlimited was present and stated that this was an all glass structure which would be used as an enclosure for a hot tub. Mr. Clark also stated that they could not put it in any other location because there is a doorway located on one side of the proposed location, and in order to move this doorway they would then have to take down kitchen cupboards. Mr. Clark further stated that there is a large wooded area behind the home. Mr. Stimac explained that the area to the east is reserved as a park site, which is part of the subdivision.

Mr. Courtney asked if there was any way they could cut one foot off of this structure and Mr. Clark stated that he had planned it as close to the chimney as he could and would not be able to put it in another location.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

ITEM #7

Motion by Maxwell Supported by Courtney

MOVED, to grant Conservations Unlimited relief of the rear yard setback to construct a sunroom with a 33'-6" rear yard setback where a 35' rear yard setback is required by Section 34.20.03.

- Variance request is minimal.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.
- The property to the rear is a common park area.

Yeas: 6 – Fejes, Hutson, Kovacs, Maxwell, Waller, Courtney

MOTION TO GRANT VARIANCE CARRIED

Mr. Hutson stated that his firm represented the petitioner for Item #8, Mr. McComb, and suggested that he be excused.

Motion by Maxwell Supported by Hutson

MOVED, to excuse Mr. Hutson from hearing Item #8 due to the appearance of a conflict of interest.

Yeas: 4 – Kovacs, Maxwell, Waller, Fejes

Nays: 1 – Courtney

MOTION TO EXCUSE MR. HUTSON CARRIED

ITEM #8 – VARIANCE REQUESTED. MR. BOB MCCOMB, 1343 BURNS (**PROPOSED ADDRESS**), for relief of the Zoning Ordinance to divide a parcel of property resulting in a 75.55' wide parcel where 76.5' width is required by Sections 34.10.00 and 30.10.03.

Mr. Stimac explained that the petitione **r** recently developed a five lot residential subdivision. Based upon the size of the original parcel, there was not enough land to create six lots. Two of the lots along the north side of the subdivision were platted at the minimum lot width while the westernmost lot was platted with all of the extra land. The petitioner is now requesting to divide that parcel of land into two buildable sites. Utilizing the lot averaging provisions of Section 34.10.00 of the Troy Zoning Ordinance, each lot in the R1C Zoning District requires 76.5' of lot width. The site plan submitted indicates that the proposed split would result in one parcel having 75.55' of lot width.

ITEM #8

Mr. Maxwell asked if the lot were split would it cause a drainage problem and Mr. Stimac stated that the coverage factor for retention design as part of the subdivision is 30% whether it is one lot or two. Mr. Courtney asked Mr. Stimac who subdivided this parcel and Mr. Stimac replied that it was the current petitioner.

Mr. McComb was present and stated that they had changed the drainage on this site due to the fact that there was a pond at the back of the property. Mr. McComb also said that they went down the property lines and put in catch basins for each piece of property. He further stated that if there is standing water at the back of the property, it may be due to the ground settling.

Mr. McComb also said that he had attempted to purchase more land to make this lot comply with the Ordinance, however, the owners of the adjacent property did not wish to

sell. Mr. McComb further stated that this is a high-density subdivision and hopefully part of the vacant property would be used as a road easement. Mr. McComb feels that this variance would be in keeping this lot in line with other lots in the area. Mr. McComb also said that if the variance was not granted, they would end up with four lots that are 76.5' wide and one lot that would end up to be 150' wide. He does not feel that this would be consistent with the other lots in the area.

Mr. Courtney asked if Mr. McComb had gotten as many lots as he could when he was subdividing this lot and Mr. McComb stated that he had. Mr. McComb also said that he had worked very closely with the City, however, he would like this property to yield as many lots as possible. Mr. Courtney asked if Mr. McComb could have made the lots bigger and Mr. McComb again replied that due to the fact that this would result in less density he would say "no". Mr. Courtney then asked when final approval was granted on this subdivision and Mr. Stimac stated that he thought it was back in 1997.

Mr. Kovacs asked if all of these lots were sold and Mr. McComb replied that they were not. Mr. Kovacs asked what type of home Mr. McComb planned to build and he stated that he uses several different plans, but that any of them would fit in the envelope of the proposed property. Mr. Courtney asked if he could have taken any land away from the other lots and Mr. McComb stated that they are at the minimum now. Mr. McComb also stated that the proposed lots exceed the minimum size required by approximately 5,000 square feet. Mr. Kovacs asked that since Burns was a dead end street if Mr. McComb was aware of any plans to add an access road. Mr. Stimac stated that the current zoning is single family and he thought that the property would be developed with a road going out to Wattles.

The Chairman opened the Public Hearing.

Mr. and Mrs. Russell Hadley, 1250 East Wattles, were present and stated that they objected to this variance. Mr. Hadley stated that they were the original owners of this property and had come to the City asking if they could split this parcel into six (6) lots. **ITEM #8**

Mr. Hadley said that someone in the City told them that it could not be done and since they had a child in college, they decided to sell the parcel. They feel that they could have gotten more money for this property, if they would have known that it could be split into six (6) lots.

No one else wished to be heard and the Public Hearing was closed.

There are three written objections on file. There are no written approvals.

Mr. Fejes asked Mr. Stimac if builders received special consideration over landowners and was told that everyone gets the same consideration. Mr. Stimac stated that it was possible that the reason they were told that this parcel could not be split was because they had to plat the area first. Mr. Stimac stated that Mr. McComb was also told that he could not split this property into six lots.

Mr. McComb stated that he felt that he had paid a fair price for the land due to the fact that it was advertised in the paper, and he gave the real estate company the asking price.

Motion by Maxwell Supported by Waller

MOVED, to grant Mr. Bob McComb relief of the Zoning Ordinance to divide a parcel of property resulting in a 75.55' wide parcel where 76.5' width is required by Sections 34.10.00 and 30.10.03.

- Variance request is small.
- Variance is not contrary to public interest.
- The resultant lots exceed the square footage required by more than 50%.

Yeas: 5 – Kovacs, Maxwell, Waller, Courtney, Fejes

Excused: 1 – Hutson

MOTION TO GRANT VARIANCE CARRIED

A ten-minute break was called at 9:50 P.M. The Board of Zoning appeals meeting resumed at 10:00 P.M.

ITEM #9 – VARIANCE REQUESTED. MR. & MRS. JOHN KLEIN, 2833 SUNRIDGE, for relief of the Zoning Ordinance to expand a legal non-conforming structure and construct an addition with a 37.69' rear yard setback and a 5.13' side yard setback where Section 30.10.02 requires a 45' rear yard setback and a 10' minimum side yard setback.

Mr. Stimac explained that the petitioners are requesting relief of the Zoning Ordinance to construct an addition to their home. The permit application indicates a 4.1' side yard setback to the existing home. The permit application further indicates a proposed addition with a 37.69' rear yard setback and a 5.13' side yard setback. Section 30.10.02 requires a 45' rear yard setback and a 10' minimum side yard setback in the R1B Zoning District. The existing structure was built prior to the current setback regulations and therefore is a legal non-conforming structure. However, Section 40.50.04 prohibits expansions to non-conforming structures in a way that increases its non-conformity. Petitioners are asking for approval of the expansion of the non-conforming structure as well as relief of the side and rear setbacks.

Mr. Richard Kalt, Architect representing Mr. and Mrs. Klein was present and stated that basically they wished to enlarge both the kitchen, breakfast nook and family room. Mr. Kalt

stated that this home was built in 1963 and the Klein's' need the extra room to accommodate their growing family. Mr. Kalt further stated that this was a small, irregular shaped lot and they were unable to put this addition straight back. Mr. Kalt said that he had gone through the subdivision and determined that there are only six (6) lots out of 317 that have this type of configuration. Mr. Kalt also said that none of the neighbors have objected to this addition.

Mr. Waller asked how close the next house was to this home and Mr. Kalt stated that it was 20.2'. Mr. Maxwell asked if the addition would be built over the existing slab and Mr. Kalt stated that they plan to take out the slab and construct the addition on a crawl space.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are no written objections on file.

Motion by Courtney Supported by Maxwell

ITEM #9

MOVED, to grant Mr. and Mrs. John Klein, 2833 Sunridge, relief of the Zoning Ordinance to expand a legal non-conforming structure and construct an addition with a 37.69' rear yard setback and a 5.13' side yard setback where Section 30.10.02 requires a 45' rear yard setback and a 10' minimum side yard setback.

- The lot is small in comparison to other lots in the subdivision.
- Irregular shape of lot makes conforming to the Ordinance unnecessarily burdensome.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: 6 – Kovacs, Maxwell, Waller, Courtney, Fejes, Hutson

MOTION TO GRANT VARIANCE CARRIED

ITEM #10 – VARIANCE REQUESTED. MR. ANTHONY LOGUE, 2651 E. SQUARE LAKE, for relief of the rear yard setback to expand a legal non-conforming structure and construct an addition with a 25.1' rear yard setback where Section 30.10.05 requires a 40' rear yard setback.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a second floor addition to an existing residence. The permit application indicates a 25.1' rear yard setback to the existing home. Section 30.10.05 requires a 40' rear yard setback in the R1D Zoning District. Based upon the age of this structure it is classified as a legal non-conforming structure. The plans also indicate a proposed second floor addition that will continue this 25.1' setback. Section 40.50.04 prohibits expansions to non-conforming structures in a way, which increases its non-conformity.

Petitioners are asking for approval of the expansion of the non-conforming structure as well as relief of the rear yard setback.

Mr. Anthony Logue was present and stated that his family has lived in the home for eleven years and he and his wife have three children. Mr. Logue stated that he and his wife would like all of the bedrooms on the second floor. Mr. Logue further stated that with four males in the house he would like to be able to provide his wife with her own bathroom. Mr. Logue also said that he believed this would be the most practical way to design the addition because they could put one bathroom over the existing bathroom and the other over the kitchen area where there is existing plumbing. Mr. Logue also stated that the back of the property has a great number of trees and does not believe this addition would be intrusive to other neighbors.

ITEM #10

Mr. Kovacs asked if he planned to hire a contractor and Mr. Logue said that he did. Mr. Courtney asked if they had looked at the possibility of moving rather than adding on this residence and Mr. Logue stated that they had, however, this home has a lot on the side which he uses for soccer practices as he coaches a soccer team. Mr. Logue further stated that it is very difficult to find a large lot in the City.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written objection on file. There are no written approvals on file.

Mr. Kovacs asked how the property was zoned on the north side of Square Lake and Mr. Stimac stated that this property was zoned Single Family Residential. Mr. Courtney asked how close this home was to the right-of-way on Square Lake and Mr. Stimac stated that it was setback 32.5' from the future 60' right-of-way. Mr. Courtney asked if there were any plans to widen Square Lake beyond the 60' right-of-way and Mr. Stimac replied that he was not aware of any.

Motion by Hutson Supported by Courtney MOVED, to grant Mr. Anthony Logue, 2651 E. Square Lake, relief to expand a legal non-conforming structure with a second floor addition with a 25.1' rear yard setback where Section 30.10.05 requires a 40' rear yard setback.

- The addition does not increase the footprint.
- Conformance would be unnecessarily burdensome.
- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.

Yeas: 6 – Maxwell, Waller, Courtney, Fejes, Hutson, Kovacs

MOTION TO GRANT VARIANCE CARRIED

ITEM #11 – VARIANCE REQUESTED. MS. LISAMARIE CLOUSE, 111 BLANCHE, for relief of the Zoning Ordinance to construct a barn as required by Section 40.57.10.

Mr. Stimac explained that the petitioner is requesting approval of the Board of Zoning Appeals to construct a barn to house two "mini" horses. Section 40.57.10 requires approval of the Board of Zoning Appeals for the construction of a barn. Mr. Stimac also explained that the petitioner has recently purchased a portion of the rear of the adjacent property to the west so that she can comply with the minimum parcel size of ¾ acre required by Section 28.5 of Chapter 90 (Animal Ordinance) of the City Code.

Ms. Clouse was present and stated that she has purchased two (2) miniature horses and she bought this property so that she would be able to have them at home. The horses are 36" and 38" high. Ms. Clouse also stated that she had confirmed with Animal Control that she would be able to keep these horses on her property. Ms. Clouse purchased additional land from her neighbors in order to meet the land requirements for keeping animals.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Maxwell

Supported by Kovacs

MOVED, to grant Ms. Lisamarie Clouse, 111 Blanche, relief of the Zoning Ordinance to construct a barn as required by Section 40.57.10.

- Other provisions of lot coverage and area of buildings will be met.
- Variance will not have an adverse effect on surrounding property.
- Variance is not contrary to public interest.

Yeas: 6 – Waller, Courtney, Fejes, Hutson, Kovacs, Maxwell

MOTION TO GRANT VARIANCE CARRIED

Mr. Fejes informed the Board that he will be out of town for the July 17, 2001 meeting.

The Board of Zoning Appeals meeting adjourned at 10:34 P.M.

MS/pp

The Vice-Chairman, Fern Nelsen, called the meeting to order at 7:30 P.M., on Thursday, June 21, 2001.

PRESENT: Margaret Gaffney

Fern Nelsen Nancy Wheeler

STAFF: Brian Stoutenburg, Library Director

ABSENT: David Cloyd

Lynne Gregory

Michael Gladysz (Student Representative)

ITEM #1 APPROVAL OF MINUTES OF MEETING OF MAY 10, 2001.

Motioned by Gaffney Supported by Wheeler

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF MAY 10, 2001 AS WRITTEN.

Motioned by Wheeler to excuse Mr. Cloyd, Mr. Gregory, and Mr. Gladysz from this meeting as they were out of town. Supported by Gaffney

Yeas: 3 — Gaffney, Nelsen, Wheeler

Absent: 2 — Cloyd, Gregory

MOTION TO EXCUSE MR. CLOYD, MR. GREGORY, AND MR. GLADYSZ CARRIED.

ITEM # 2 APPROVAL OF AGENDA.

Motioned by Wheeler to approve agenda. Supported by Gaffney

Yeas: 3 — Gaffney, Nelsen, Wheeler

Absent: 2 — Cloyd, Gregory

MOTION TO APPROVE AGENDA CARRIED.

ITEM #3 ¾ POSTPONED ITEMS ¾ None.

ITEM #4 ¾ **DISCUSSION OF SPACE REORGANIZATION.** The construction contract has been signed with Cedroni Associates, Inc., the low bidder, and work is scheduled to

commence on July 20, 2001 ending August 31, 2001. They have been made aware of our meeting room use needs, and they will work around them.

ITEM #5 3/4 REPORT AND COMMUNICATIONS

Director's report. The Director's Reports are attached.

Board Member comments. Nancy Wheeler asked about the status of the study being done statewide of State funding for libraries. The preliminary report is complete, but no one has been identified in the legislature yet to accept or advocate the report to the appropriate legislative committee.

Nancy Wheeler asked about the status of the attempted move of the Library of Michigan into a new "cultural" department. The move appears to be happening, but there are details to be worked out as to representation and lines of authority and communication.

Margaret Gaffney suggested that a Troy author series of programs be explored.

Suburban Library Cooperative. The switch in automation systems to SIRSI is on schedule for the last week of June.

Friends of the Troy Public Library. There was no report.

Monthly reports (May). Circulation for the month of May compared with the same time period a year ago showed an increase of 17.4%. There was an increase in patron visits by 8.7%, and program attendance was up 84.2%.

Staff changes. New Employees: Georgia Souphis, Library Assistant; Charles Hoeft,

Page.

Resignations: Shawn Pewitt, Substitute Library Assistant; Betty

Morgan, Library Assistant.

Gifts. One gift in the amount of \$125.00 was received.

Informational items. June TPL Calendar.

Contacts and Correspondence. Fourteen written comments from the public were noted.

Public participation. There was no public participation.

The Library Advisory Board meeting adjourned at 8:15 P.M.

Respectively submitted,

Brian Stoutenburg Library Director Meeting was called to order at 7:35 P.M., on Tuesday, June 26, 2001.

PRESENT: Edward Bortner

Roger Kaniarz Rosemary Kornacki

Kevin Lindsey Muriel Rounds Brian Wattles

STAFF: Loraine Campbell, Museum Manager

Brian Stoutenburg, Director

ABSENT (EXCUSED): Cynthia Kmett

ITEM #1 APPROVAL OF MINUTES OF MEETING OF MAY 22, 2001.

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF MAY 22, 2001 AS WRITTEN.

ITEM #2 OLD BUSINESS

A. Church and Parsonage Status:

The Ad Hoc Church Committee sent out on June 13 a modified Request for Proposals to seven pre-selected architectural firms. Four firms have indicated current project loads prohibit them from submitting proposals for the project. It is anticipated three will submit proposals by June 29. Review of the proposals, interviews with the firms, and a recommendation of an architect with support from the boards, the Historical Society and Museum Guild will go to Council on July 23, 2001.

B. **Programs:**

See attached report for May attendance numbers. Bookings for the 2001-02 school year have been heavy. May and October are nearly full. The youth program, Living and Writing History, featuring author Janie Lynn Panagopoulos was well received with 25 children attending.

C. Museum Sign:

Mark Stimac is working with sign companies to finalize the selection of durable materials for use in the sign. He indicates the sign may be done by August 30.

D. Gazebo:

Bids on the construction contract will be opened June 29, 2001. Contract approval will go to Council on July 9, 2001.

E. NTH Contract:

Bids on the construction contract will be opened June 29, 2001. Contract approval will go to Council on July 9, 2001.

F. Review of Chapter 12:

The members discussed how the roll of the Commission has changed. During the 1970s and 1980s the Commission provided active policy development and management. As staff increased that role has shifted to an advisory capacity with staff developing policies and providing active management. This should be reflected in Chapter 12. Further, since the Museum is now included in the Library Department, the ordinances governing the Library and Museum Boards should be parallel. The Commission requested that Loraine and Brian work with the City's Legal Department to recommend appropriate changes to the ordinance. The Commission will review the proposed changes before they and the name change (see motion May 22, 2001) are sent to Council for approval.

G. Other:

The members toured the buildings and grounds and archive noting physical improvements that have been made and projects still requiring attention. Bill Boardman showed them his progress organizing the textile collection and the addition of digital images of assessioned textiles on SNAP.

ITEM #3 NEW BUSINESS

A. Troy Historical Society Liaison Report:

Concern regarding the diminished number of active Society members was discussed.

B. New Acquisitions:

See attached report.

C. Other:

The full time Archivist position will be posted within the City in July. Bill Boardman is ready to apply. Loraine has developed a job description, questions which will be added as an addendum to the standard application, and criteria for rating interviewees.

ITEM # 4 REPORTS AND COMMUNICATIONS

A. **Visitors:** No report.

B. **Staff:** No report.

C. **Commission Members:** No reports.

The Troy Historical Commission meeting adjourned at 9:45 P.M.

The next regular meeting is scheduled on Tuesday, July 17, 2001.

Respectively submitted,

Loraine Campbell Museum Manager July 2, 2001

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager

Gary Shripka, Assistant City Manager/Services

Mark F. Miller, Interim Planning Director

Subject: ANNOUNCEMENT OF PUBLIC HEARING - PROPOSED REZONING -

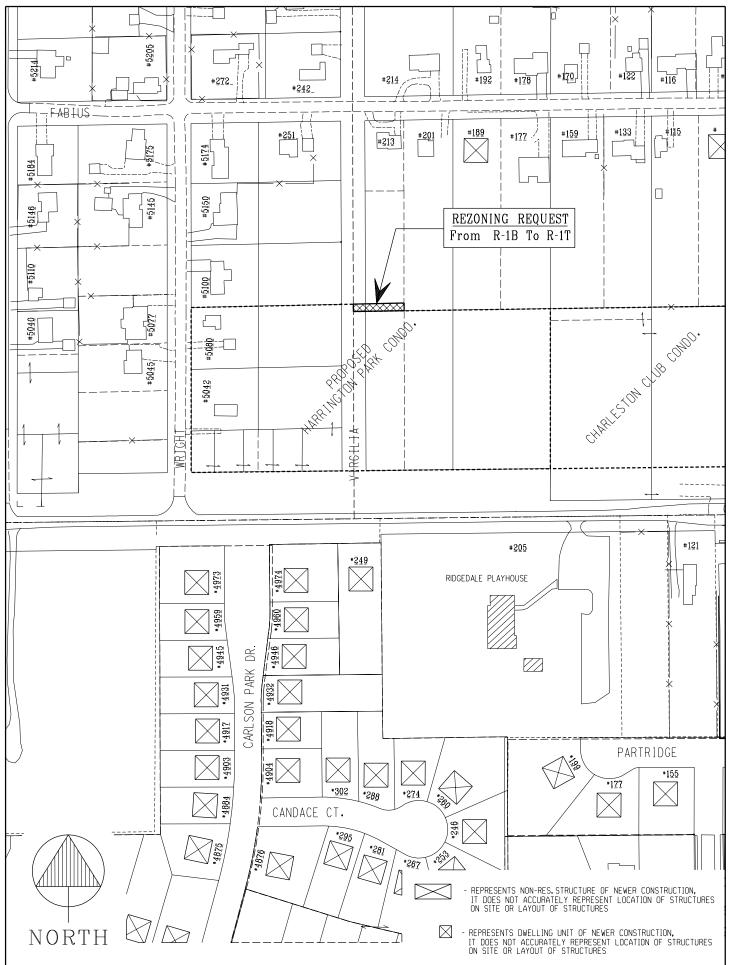
North of Long Lake Road, West of Livernois – Section 9 – R-1D to R-1T.

In March of this year, the City Council took action to rezone a series of parcels totaling Approximately 5.5 acres in area, and having 710 ft. of frontage on the north side of Long Lake Road west of Livernois Road from R-1B to R-1T (One-Family Attached Residential) in order to enable construction of the proposed Harrington Park Condominium Development. A Site Plan for this development was approved by the Planning Commission on April 10, 2001, and the City Council has now adopted a Resolution authorizing vacation of the Virgilia Street right-of-way that lies in the midst of the site, in order to enable final consolidation of the site.

A 10 ft. by 100 ft. parcel of land included in the Preliminary Site Plan was not included in the developer's original rezoning request that occurred in March of 2001. Planning Commission recommended approval of this rezoning request on June 12. 2001. A complete analysis of this rezoning request will be provided for the Public Hearing at the July 23, 2001 City Council meeting.

Cc: Tonni Bartholomew, City Clerk file/Z-670

mfm







June 28, 2001

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager

Gary Shripka, Assistant City Manager/Services

Mark F. Miller, Interim Planning Director

Subject: ANNOUNCEMENT OF PUBLIC HEARING - PROPOSED REZONING -

North of Big Beaver, West of John R Road – Section 23 – R-1E and P-1 to

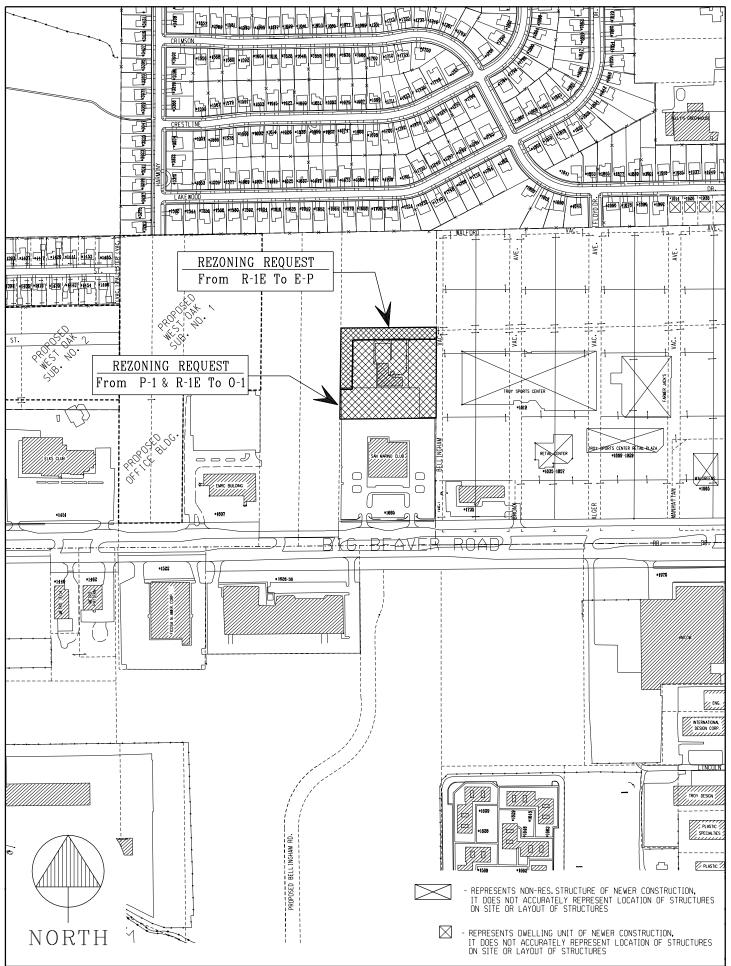
O-1 and E-P

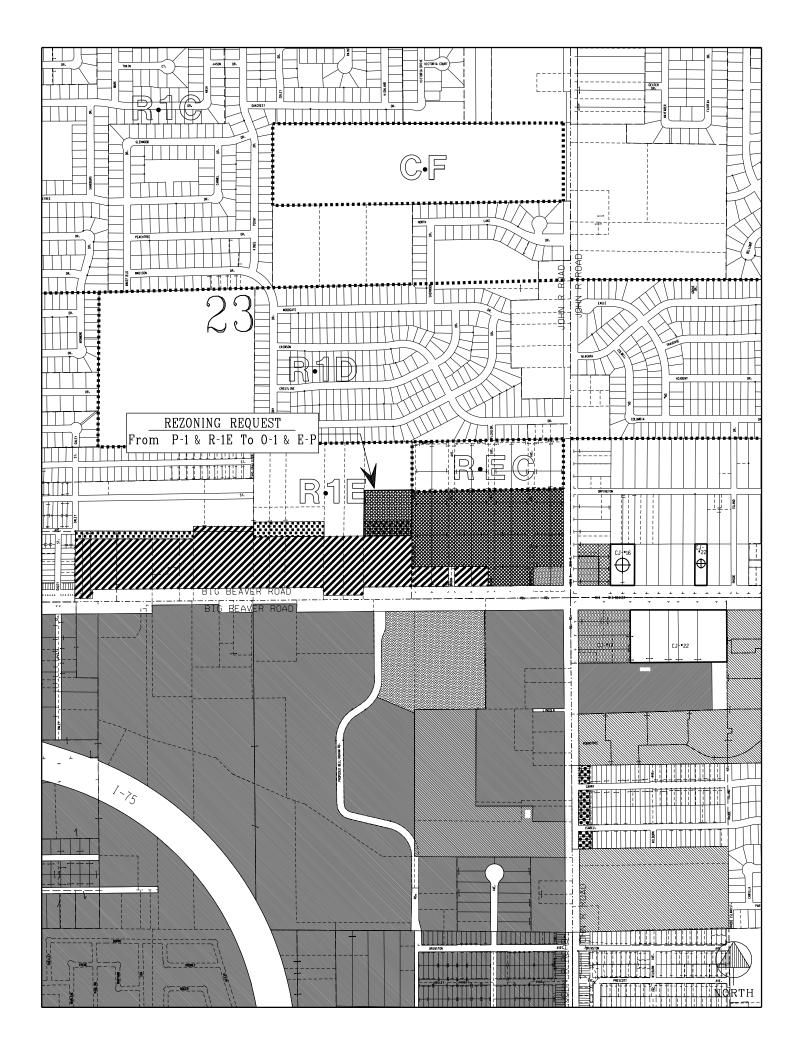
A request has been submitted by the San Marino Club, for the rezoning of the present P-1 zoned portion of their site, and a portion of the R-1E zoned area, to the O-1 (Low-rise Office) classification and E-P (Environmental Protection) classification.

The Planning Commission recommended approval of the rezoning proposal on June 12, 2001. A complete analysis of this rezoning request will be provided for the Public Hearing at the July 23, 2001 City Council meeting.

Cc: Tonni Bartholomew, City Clerk file/Z-402-b

mfm







TO:

John Szerlag, City Manager

FROM:

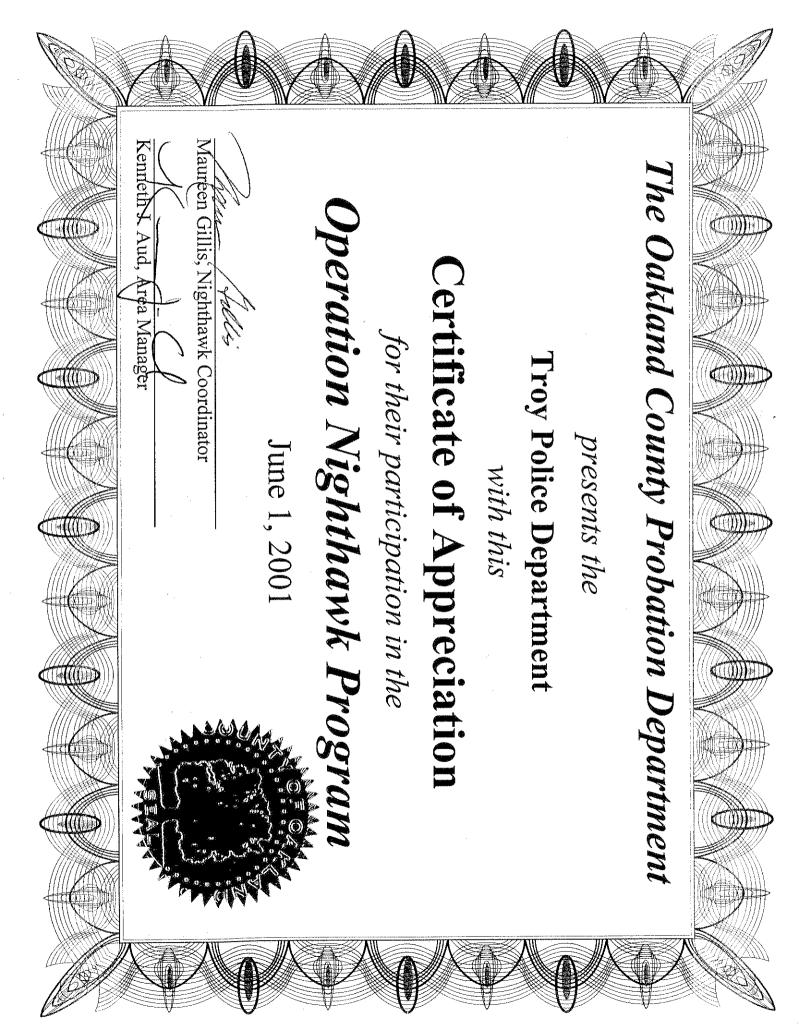
Charles T. Craft, Chief of Police

SUBJECT:

Certificate of Appreciation from Oakland County Probation

Attached is a copy of a certificate of appreciation I received from the Oakland County Probation Department as a result of the police department's involvement in "Operation Nighthawk". This program teams police officers with Oakland County Probation agents to do home visits, during non-business hours, of persons on Oakland County Circuit Court Probation. The purpose of these visits is to check for compliance with the terms of the individual's probation.

Most Oakland County police departments participate. However, Troy was among the first to agree to do so. Per the Probation Department, the rate of probation violations discovered in the year 2000 was very low in Troy. They indicate that probationers in Troy are aware of the regular visits and believe this has increased compliance.



College of Extended Learning (989) 774-3865

June 11, 2001

Chief Craft City of Troy 500 W. Big Beaver Road Troy, MI 48084

Dear Chief Craft:

I would like to inform you of the achievements of Mr. Robert Ralph Wolfe. Mr. Wolfe is a May 2001 graduate of Central Michigan University's off-campus degree program and earned a Master of Science in Administration degree. The fact that he earned a degree while also maintaining a job is commendable, and we are proud to count Mr. Wolfe among our alumni.

Sincerely,

Gary G. Peer, Ph.D.

Interim Dean

GGP:das

RECEIVED

Chief of Police

[6/13/01 CTC.]

CC: Dept File

Law Offices of Raymond A. Cassar

Attorneys & Counselors at Law

30665 Northwestern Highway Suite 100 Farmington Hills, MI 48334. (248) 855-0911. (248) 855-9523 fax

Raymond A. Cassar Daryl Wood Renée K. Gucciardo R. Scott A. Baker

web site: www.crimlawattorney.com e-mail: Ray@crimlawattorney.com

June 9, 2001

Wayne County Office 25639 Ford Road Suite 215 Dearborn Heights, MI 48127 (313) 278-8811

Captain Dane Slater Troy Police Department 500 W. Big Beaver Troy, MI 48083

Re: Officer Joseph F. Mairorano, #94

Dear Captain Slater:

I wanted to write you a letter to inform you of what an outstanding employee you have in Officer Mairorano. I had occasion to meet Officer Mairorano on March 1, 2001 due to a situation involving one of my clients, Elvira Schulte. Officer Mairorano was the officer in charge of the case. I was immediately struck by how professional he was. During the course of the case, I found that he was extremely intelligent, competent and helpful. After being a prosecutor for over eight years, I have come across many officers. I found that Officer Mairorano was one of the brightest, most compassionate and most competent officer that I have ever come across. Thanks to him the matter was handled in a completely professional and fair manner. He immediately responded to all of the concerns that we had, and allowed the matter to be settled quickly and fairly.

Please let Officer Mairorano know that he had a very positive impact on my client and myself. I think that the Troy Police Department is well served by such an impressive

employee as Officer Mairorano.

With kind regards,

enée K. Gucgiardo

CHERRY CO.

JUNE 25, 2001

DEAY Mr. Nood,

Phack-you von Much for your Assistance
IN havine the Trash MEN pick-up my

construction rubish from my property. Ploase

Make sure the city writes good contracts

for trash pick-up. This is important As A TAX

Payor and VESIdent of the city.

Bost Regards,

Tom Sawyer, In

ite Institute of Transportation Engineers

1099 14(I) Street, NW • Suite 300 West • Washington, DC 20005-3438 USA • Tol: +1 202 280 0222 • Fax: +1 202 280 7722 • www.ite.org

Memo

DATE:

June 20, 2001

TO:

Members of the Geometric Design Criteria for Highway-Rail Intersections

(Grade Crossing) Informational Report Committee

FROM:

Russell Houston

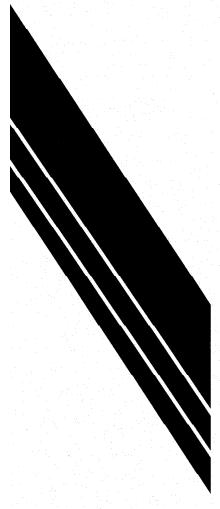
RE:

Thank you

On behalf of the Institute of Transportation Engineers, I would like to extend my thanks for your participation in the development of the Informational Report entitled "Geometric Design Criteria for Highway-Rail Intersections (Grade Crossings)."

Please accept the enclosed Certificate of Accomplishment as a token of appreciation for your efforts.

The Institute and your colleagues appreciate the time and effort you devoted to this project and I hope that you will continue to volunteer your time on future ITE activities.



Institute of Transportation Engineers

This Certificate of Accomplishment is presented to

JOHN K. ABRAHAM

Coordinating Council

In recognition of outstanding service on

THE GEOMETRIC DESIGN REPORT



of the Institute of Transportation Engineers



Coordinating Council Chair

Dorothy Meerschaert 3395 Alpine Troy, MI 48084 (248) 643-6977 mmarydor@tir.com

June 26, 2001

Department of Public Works 500 West Big Beaver Road Troy, MI 48084

Dear Sir or Madam:

As you can tell by my address, my neighborhood has been undergoing a massive construction project this summer.

The workmen are almost finished with my street and I wanted to let you know how impressed I am with the coordination of departments and different corporations put together to get this all finished in about two months.

I have observed such wasteful practices in other cities where each company or department had it own crew try and repair damage it had done just in time to have it ripped up again.

I don't know who was in charge of putting all the projects together, but they certainly did a fantastic job.

I would also like to comment on the manner of the ordinary men working in our neighborhood. They were so polite and helpful. They tried to impede traffic as little as possible and when my husband put sod back and filled in patches in the lawn they were quick to point out that they would have taken care of it. (We found it easier on the garden tractor to mow a smooth surface.)

I am certainly relieved that our street is just about finished until they refinish the roadway next year, but I am so proud to live in a city that is so efficient. It makes me feel like all the tax dollars are being well spent.

Mosescheert

Sincerely,

Dorothy Meerschaert

G·6

June 22, 2001

City of Troy City Clerk 500 W. Big Beaver Troy, MI 48084

RE: ACT 78 Commission

Dear Madam Clerk,

This letter will serve as my resignation from the ACT 78 Commission effective July 02, 2001 as my term of office expires on April 30, 2002.

This resignation is a result of my relocating from the City of Troy.

I apologize for this very short notice as my home sold much more rapidly then I anticipated, with a closing in thirty (30) days from the date of sale.

I will be moving to Auburn Hills and if you desire me to serve pending my replacement I will be willing to do so.

It has been an honor to serve on the ACT 78 Commission with Commissioner's McGinnis and Cannon who exemplify the best in public service in representing the citizens of Troy.

2001 JUN 26 AM 11: 44

Letter to the City of Troy June 22, 2001 Page 2

I have always been proud to call Troy my home.

Sinderely.

Vary A. Siron

895 Lyndengfen Count #105

(OAS) 200 (SEE) /

20

Nelson Ritner 563 Jacob Way, Apt 103 Rochester, MI 48307-2295 Phone 248-651-7971 CITY OF TROY
2001 JUN 26 PM 3: 17

June 23, 2001

City Clerk
City of Troy
500 West Big Beaver Rd.
Troy, MI 48084

Dear Sir:

Please accept my letter of resignation from the Economic Development Corporation. I moved out of the City on March 1, 2001. Please give my best wishes to members of the EDC.

I want to express my pleasure in having served the City. Troy was a great place to live for many years and a great place to raise our family. Pat and I are temporarily living in Rochester pending our retirement to Florida.

Thank you,

Nelson Ritner

Kelson Retur

DATE: July 2, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

John M Lamerato, Assistant City Manager/Finance and Administration

Gert Paraskevin, Information Technology Director

RE: Agenda Visitor Information System

As a result of a request by the Mayor to investigate an automated "Request to Comment" system to be used during regularly scheduled Council Meetings, the Information Technology Department has developed a system outlined in this memorandum. City Administration feels this is an improvement over the current paper based system, which requires visitors to fill out a card that is then handed to the Mayor, who must then manage them during the meeting. When there are a large number of requests this can become very cumbersome and distracting.

Input from the City Manager's office, Community Affairs, and the City Clerk's office contributed to the design of this software. Attached are copies of the various screens that comprise the system. At this point, administration is soliciting input from the Mayor and City Council for comments or improvements to this system. If time permits, a short demonstration will be conducted during the meeting of July 9, 2001. Once all feedback has been incorporated into the software, this new method of recording requests to speak at a council meeting will replace the current card system. A general description of how the new procedure will work follows:

- 1. A large sign (Attachment A) will be posted next to a computer in the hallway outside of the Council Chambers. It will provide instructions to visitors and general information about requesting to speak.
- 2. Visitors will enter their name into the system (Attachment B).
- 3. Next they will be prompted to indicate which items they wish to speak to on the current agenda. In addition, they can enter optional personal information such as address, telephone number and email address. This would be used to allow follow-up with the visitor after the meeting if necessary (Attachment C).
- 4. During the meeting, the City Clerk will pull up the list of visitors wishing to speak item by item from a computer at their table (Attachment D).
- 5. The list of items and visitors will also appear on the screen of a computer at the Mavor's seat. The Mavor will call up each visitor in the order they registered (Attachment E). After all registered visitors are called, other members of the audience may also indicate they wish to speak. The Mayor may recognize them one at a time. As they come up to speak the City Clerk will register them also.

If you have any comments or suggestions for improvement, please make City Administration aware of them. If possible, they will be incorporated into the system.

Attachment A

Welcome to a public meeting of the Troy City Council. All meetings are open to the public except those specifically exempted by law.

Public participation is encouraged during the information-gathering stages of the Council's deliberations. Citizens may express their views at public hearings and during the Visitor Comments Section of regular meetings. A member of the audience who wishes to speak in opposition to the recommended action for any given Consent Agenda Item may do so with the approval of a majority vote of City Council. Persons interested in addressing City Council on regular Business Items, which appear on the printed Agenda, may do so at the time the item is discussed. Time is limited to not more than five (5) minutes on any question.

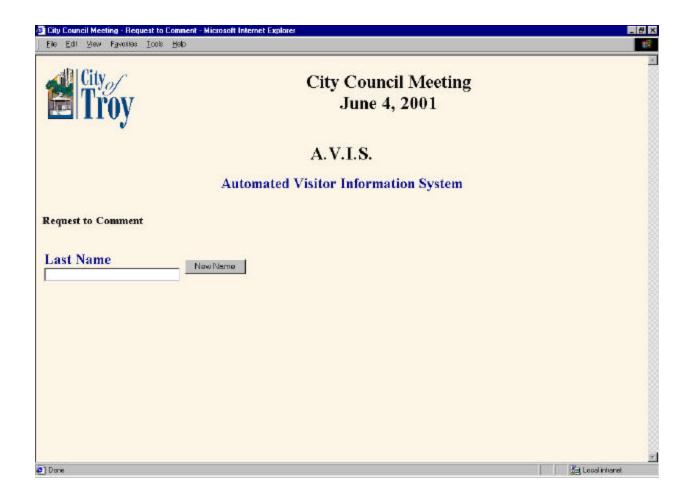
The City Manager has requested that if you have a question or concern not on the printed agenda, please bring it to the attention of the appropriate municipal department(s). If you then think that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the Assistant City Manager or City Manager; and if still not resolved satisfactorily it will be placed on an upcoming agenda. Please know that any such matter may be deferred to another time or referred for study and recommendation upon the request of any one Council member. However, a majority of City Council can act upon the issue immediately. Comments and statements to be addressed to Mayor and Council may be limited to five minutes.

All speakers are asked to stand at the podium and speak into the microphone to accommodate the television cameras. Requests to speak should be made in advance of the meeting, or in advance of that point in the meeting when a person wishes to comment. **Remember, a five-minute time limit will be observed.** All City Council meetings are cablecast on Channel 10/53.

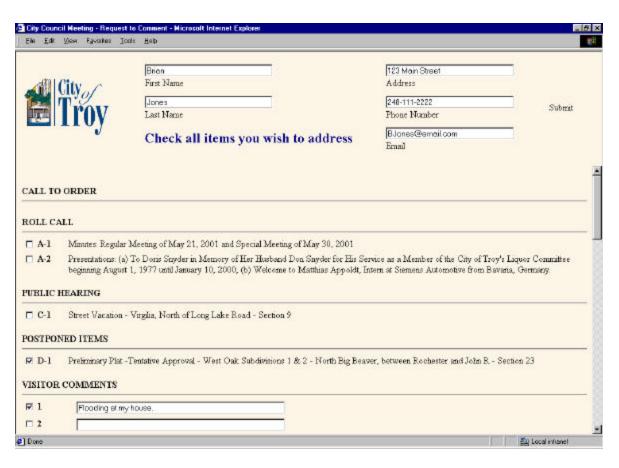


If you wish to comment please enter your name into the computer. You will be prompted to identify the items you wish to speak to, as well other optional personal information. This information will become public record and subject to the Freedom of Information Act (FOIA). If you do not wish to be recognized and called to the podium through this automated method, you may hold up your hand and be called upon after those that have registered their request have been recognized.

Attachment B

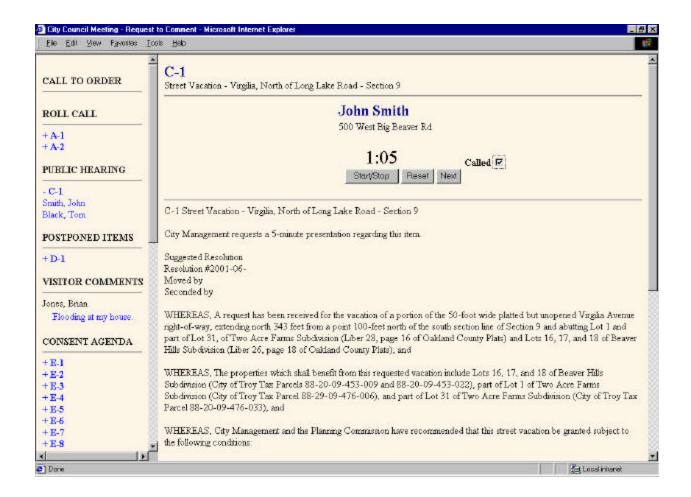


Attachment C

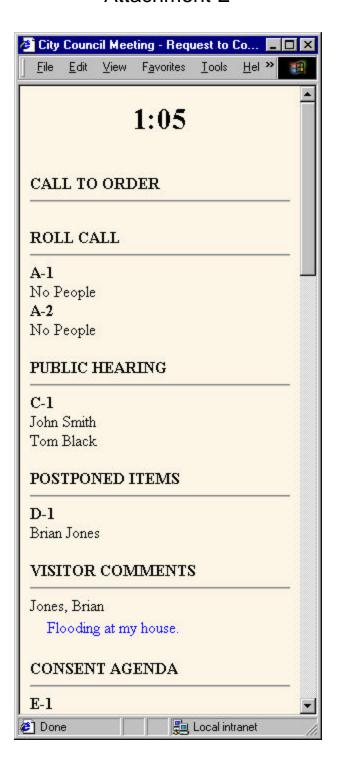




Attachment D



Attachment E



TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

Gary A. Shripka, Assistant City Manager/Services

Steven Vandette, City Engineer

SUBJECT: Resolution of Drainage Problem South of Peacock Farm on

Rochester Road, Section 10

The Engineering and Public Works Departments have been working with the property owners south of the Peacock farm for several months to alleviate a long standing drainage problem on their property. These properties receive runoff from vacant property to the west and north, including the Peacock farm. The rear yards are much lower than the surrounding property and flooding has long been a problem, although it has been aggregated by recent activity on the Peacock farm property. During our topographic survey we found two private drains installed many years ago, according to the property owners, which are no longer functional. This condition coupled with increased runoff has resulted in flooding conditions of increased frequency and severity than what has occurred in the past.

The Engineering Department recently completed a storm drain design for DPW to use in their rear yard drainage program to address flooding at this site. It was reviewed with Tim Richnak, Superintendent of Streets and Drains, in the office and in the field. During his visit to the site during the week of June 12, he reviewed the plan with property owners and made revisions based on their comments. The requested changes were made and a revised engineering plan has been prepared. A joint meeting with Engineering, Streets and Drains and the property owners is being scheduled to review and finalize the plan. The next step will be identification and acquisition of easements and scheduling of the project. We anticipate that this rear yard drainage project, without cost to the property owners, will be constructed late this summer, depending on acquisition of easements.

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

Gary Shripka, Assistant City Manager/Services

Steven J. Vandette, City Engineer John K. Abraham, Traffic Engineer

SUBJECT: Citizen Comments on Red Light Enforcement Cameras

This memo is in response to the citizen comments at the June 19, 2001 meeting of the City Council, based on research by staff.

Reports from a majority of all U.S. communities show a reduction in traffic crashes at locations with red light enforcement cameras. Attached please find information from eight representative communities that report reductions. Another observation from these communities is that crashes at the area intersections (without cameras) were also reduced as a ripple effect of automated enforcement. An Australian study quoted at the Council meeting reported no change in traffic crashes before and after installing cameras. Our findings show that this 1995 report was never published in any scientific literature, since it does not follow scientific methodology to arrive at the conclusion. However, the U.S. Insurance Institute for Highway Safety (IIHS) reports reductions in crashes that have been published in various national and international journals. Also, the IIHS is a reliable non-profit research organization dedicated to reducing highway crashes and injuries. The IIHS also rates vehicles for crashworthiness based on crash tests they perform, and their data is respected and well accepted in the U.S.

To understand more on the "strobes" that blind a driver when the camera goes on, we contacted communities with camera installations. We were told that camera flash equipment could be activated in the event of low light conditions for less than one second. As proposed in the Michigan bill, only rear photographs will be taken (photo of the license plate), eliminating the probability of the light flash blinding the driver.

Red light running crashes constitute a small percent of all traffic crashes. Attached please find the numbers for the City of Troy. Between 1994 and 1998, 9.05% of all intersection crashes were related to red light running, which is a small percentage; however, these crashes tend to be high severity crashes. In the same time period, 68% of all fatal and 43.33% of all Alevel (incapacitating injury) crashes at intersections involved red light running. It is this high severity of the crashes that is of concern.

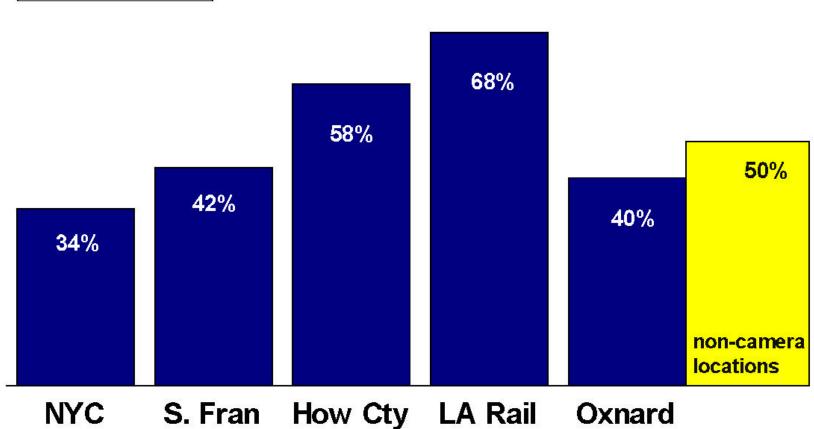
City management recommended support for the bill only from a traffic safety point of view, due to the demonstrated and documented reduction in traffic crashes in U. S. communities and will not preclude investigating any other remedies for the growing red-light running concern. City staff is represented in the National Committee titled "Engineering Safer Intersections to Prevent Red Light Running" and on the Michigan Traffic Signal Summit's Red-Light Running Subcommittee.

If passed, the bill would provide an additional tool to the traffic safety toolbox that could be used *if required*, after all other engineering and education measures are implemented.

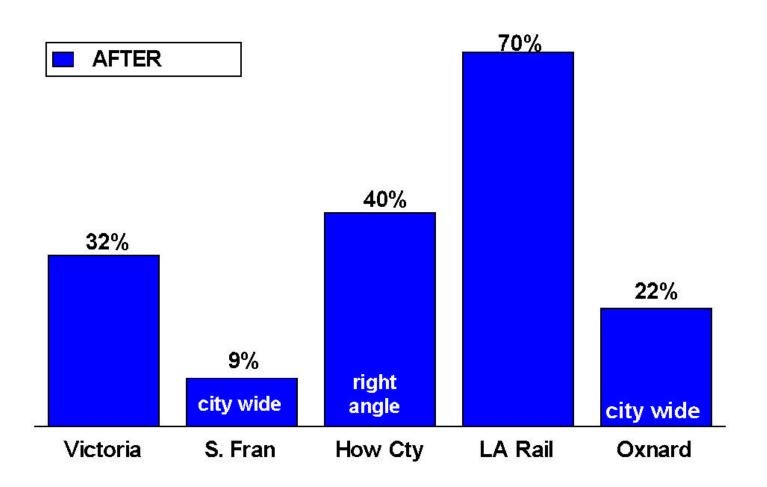
Reduction in Violations

After Cameras Installed





Reduction in Crashes After Cameras Installed



AUTOMATED ENFORCEMENT MYTHS

March 2001

Background

Traditional traffic law enforcement relies exclusively on the presence of an officer to observe violations and identify and cite offenders. Obviously, this limits the effectiveness of traffic law enforcement because police cannot be everywhere. Even when they observe violations, it is not always possible to safely stop the violator because to make the stop, the officer may have to speed or run a red light.

Red light cameras and other photo-enforcement systems are designed to identify traffic law violators without depending on the presence of police officers. Red light camera systems are connected to traffic signals and to sensors buried in the pavement at the crosswalk or stop line. The system continuously monitors the traffic signal and triggers the camera to photograph the tags of vehicles entering the intersection after the light has turned red. In most cases, a second photograph is taken to show the offending vehicle in the intersection. The camera records the date, time, and speed of the vehicle; a clear image of the vehicle is produced under a wide range of light and weather conditions. Images are carefully reviewed, and citations are mailed to the registered owners of the vehicles for which there is unambiguous evidence of a violation.

Although courts have repeatedly upheld photo enforcement, opponents often claim that it violates a variety of constitutional and other legal protections. The following is a list of some of the objections that are most often raised and responses to those objections.

Myth: Like old-fashioned speed traps, photo enforcement is designed to make money, not protect the public.

Myth: Photo enforcement allows police to act as "Big Brother," continuously spying on law-abiding citizens.

Myth: With photo enforcement, owners are guilty until proven innocent.

Myth: Photo enforcement violates the Fourteenth Amendment because it does not provide immediate notice that an offense is alleged.

Myth: Photo-enforcement cameras make too many mistakes.

Myth: Like old-fashioned speed traps, photo enforcement is designed to make money, not protect the public.

Each year crashes involving red light running claim the lives of more than 800 people and injure another 200,000 people. More than half of the deaths in red light running crashes are other motorists and pedestrians, so there should be no debate about the fact that red light runners are dangerous drivers who put other road users at risk. A recent Insurance Institute for Highway Safety study in Oxnard, California, showed that red light running violations dropped a total of 42 percent after well publicized photo enforcement was introduced. Another study in Fairfax,

Virginia, showed that violations declined about 40 percent after one year of photo enforcement. A key to all effective traffic law enforcement is publicity; without it there is no deterrent effect, and the purpose of red light cameras is deterrence.

Photo enforcement has such a strong deterrent effect precisely because it is *not* like so-called "speed traps." The old image of a speed trap was that of "secret" enforcement at a location where almost every driver speeds. Officers could pick and choose whomever they wished to cite, even drivers who barely exceeded the limit.

The objective of photo enforcement is to deter violations, not to surreptitiously catch violators. The more public the enforcement is, the better. Photo-enforcement cameras are in plain view, not hidden. There typically are signs and publicity campaigns warning drivers that photo enforcement is in use. And unlike speed traps, photo enforcement is fair. The cameras are programmed not to photograph vehicles turning right on red or caught in the intersection when the light changes. Only violators who meet objective criteria specifically designed to omit minor, unintended infractions are photographed. There is no potential for impermissible profiling or discriminatory enforcement where photo enforcement is in use. back to myths

Myth: Photo enforcement allows police to act as "Big Brother," continuously spying on law-abiding

citizens.

Photo-enforcement cameras are not general surveillance cameras that observe everyone within range, but are designed only to capture photographic evidence of traffic law violations. Thus, red light cameras are triggered solely by vehicles that enter an intersection on a red light. They do not photograph vehicles being driven less than minimum speeds (e.g., 15 mph), thereby assuring that drivers executing turns or stopping in intersections on yellow or green signals are not cited. In other words, photo enforcement is designed to collect no more information than is necessary for law enforcement purposes.

The Fourth Amendment to the U.S. Constitution protects our right to privacy from unreasonable intrusion by law-enforcement agents. In 1967, in a landmark case, *Katz v. United States*, the U.S. Supreme Court established that the Fourth Amendment protects our right to privacy in those things that we actually keep private and those which society generally regards as private. "What a person knowingly exposes to the public, even in his own home or office, is not a subject of Fourth Amendment protection" *Katz v. United States*, 389 U.S. 347, 351 (1967).

A photo-enforcement camera photographs a vehicle, including its rear license tag. In states that require identification of the driver, photo-enforcement cameras photograph the driver as well as the license tag. No one can reasonably argue that a driver or registered owner of a vehicle has a privacy interest in the driver and/or license tag of a vehicle being driven on a public road if the driver has violated the law.

If there were such privacy interests in license tags, it would be violated through traditional enforcement. Every time an officer stops a vehicle, he or she calls in the tag number to verify registration, thereby making a record of when and where the vehicle was seen. Officers routinely request driver's licenses when they conduct stops and visually inspect drivers to see that licenses match the drivers submitting them.

Opponents of photo enforcement raise the privacy issue with the general public, but not in court. This is very likely because the law is well settled that there is no privacy interest in what is routinely and regularly displayed in public. back to myths

Myth: With photo enforcement, owners are guilty until proven innocent.

Opponents of photo enforcement raise this issue frequently. At first blush, it has strong appeal because the presumption of innocence is one of our most treasured constitutional rights. However, photo enforcement does not violate the presumption of innocence, which attaches at trial, not before. Police and prosecutors are not bound by a presumption of innocence. To the contrary, ethics prevent them from charging a person unless there is sufficient evidence.

Laws authorizing photo enforcement provide that photographic evidence of a violation is sufficient to issue a citation to a registered owner. The citation is merely a summons. Photo-enforcement laws always make it clear that the photographic evidence creates only a rebuttable presumption. The registered owner may present a defense in person or, in Virginia, by mailing in an affidavit stating under oath that he or she was not the driver at the time of the offense (Va. Code Ann. § 46.2-833.01(D)). In other states, an owner only has to identify the driver to rebut the presumption. It is difficult to imagine a presumption that is easier to rebut. back to myths

Myth: Photo enforcement violates the Fourteenth Amendment because it does not provide immediate notice that an offense is alleged.

Opponents of photo enforcement argue that traffic offenders are entitled to immediate notice when they commit offenses. Otherwise, the opponents claim, it is not possible to defend against a charge.

The Fourteenth Amendment of the U.S. Constitution provides that when a state seeks to take action against a person or property, that person or property owner must be given due process of law. Fundamental fairness requires that when a person is charged with an offense, he or she be given notice of exactly what offense is being charged and when and where it was allegedly committed. Statutes of limitations dictate the time within which the notice of the offense must be given. Absent a violation of any statute of limitations, there is absolutely no guarantee that a person will be charged contemporaneously with an offense.

Traditional enforcement methods almost always provide relatively immediate notice of an offense during the stop and citation process, but there is nothing in the law providing traffic law offenders with special rights to notice. Furthermore, in some circumstances traditional enforcement methods do not provide immediate notice. An officer who observes a violation can cite the violator at a later time. In crash situations, citations often are issued after the investigation is completed, days or weeks after the crash. back to myths

Myth: Photo-enforcement cameras make too many mistakes.

Every technological and every human system can make mistakes. However, photo enforcement has been in use in Europe for more than 20 years and in the United States for more than 10 years and has proven extremely accurate and reliable. Photo-enforcement laws require the cameras to meet specified standards and to be well maintained. Persons defending citations generated by photo enforcement have the same ability to test whether the state has properly used and maintained the equipment as any offender facing any other technological evidence.

The law guarantees persons fair trials. This is no more or less true in traffic than in other cases. All scientific evidence is subject to rigorous testing in court; if it is based on sound scientific principles, it is admissible. An offender always has the right to show the possibility of error, and it is up to the judge to determine whether that possibility is sufficient to create reasonable doubt. back to myths

References

¹ Retting, R.A.; Ulmer, R.G.; and Williams, A.F. 1999. Prevalence and characteristics of red light running crashes in the United States. *Accident Analysis and Prevention* 31:687-94.

²Retting, R.A.; Williams, A.F.; Farmer, C.M.; and Feldman, A.F. 1999. Evaluation of red light camera enforcement in Oxnard, California. *Accident Analysis and Prevention* 31:169-74.

³Retting, R.A.; Williams, A.F.; Farmer, C.M.; and Feldman, A.F. 1999. Evaluation of red light camera enforcement in Fairfax, Virginia. *ITE Journal* 69:30-34.

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Crashes Involving Red Light Running 1994-1998

YEAR	R_L_R CRASHES	FATAL	A-LEVEL	B-LEVEL	C-LEVEL	PDO
1994	137	1	12	13	32	79
1995	109	2	9	19	22	57
1996	156		16	24	40	76
1997	135	3	8	26	28	70
1998	103	1	6	23	37	36

Total Intersection Crashes - 1994 to 1998

YEAR	TOTAL CRASHES	FATAL	A-LEVEL	B-LEVEL	C-LEVEL	PDO
1994	1407	1	27	62	342	975
1995	1367	5	23	61	298	980
1996	1412	0	30	67	342	973
1997	1423	3	18	78	314	1010
1998	1468	1	17	64	302	1084

Percent of Intersection Crashes as a Result of Red Light Running, 1994-1998

					<u> </u>	
	TOTAL CRASHES	FATAL	A-LEVEL	B-LEVEL	C-LEVEL	PDO
1994	9.74	100.00	44.44	20.97	9.36	8.10
1995	7.97	40.00	39.13	31.15	7.38	5.82
1996	11.05	0.00	53.33	35.82	11.70	7.81
1997	9.49	100.00	44.44	33.33	8.92	6.93
1998	7.02	100.00	35.29	35.94	12.25	3.32

AVERAGES	9.05	68.00	43.33	31.44	9.92	6.40

Fatal Injury resulting in death

A-Level Involving an incapacitating injury (prevents normal activities)

B-Level Involving a major (visible) injury such as broken bones, bad wounds

C-Level Involving minor injuries or complaint of pain

PDO Property Damage Only - No injuries

Data Source SEMCOG

2001 JUL -3 P 3: 36

June 22, 2001

CITY MANAGER'S OFFICE

To:

Honorable Mayor and City Council

From:

John Szerlag, City Manager

Gary A. Shripka, Assistant City Manager

Carol K. Anderson, Parks and Recreation Director

Subject:

Recommendation of Civic Center site.

At the June 14, 2001 meeting of the Parks and Recreation Board, the following action was taken:

A motion by Doug Bordas, supported by Tom Krent, that City Council acquire additional information from citizens and the Parks and Recreation Advisory Board before the Civic Center site is finalized.

Ayes: All

Nays: None

MOTION CARRIED

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager

Doug Smith, Real Estate and Development Director

SUBJECT: Troy Executive Aviation

Attached is a recent communication from Nick Esposito, President of Troy Executive Aviation letting the City know that as of June 1, 2001, the traffic copters for the traffic report for WWJ and WJR are going to fly out of Oakland Troy Airport, and that as of July 1, 2001, additional traffic copters for Detroit area television stations and radio stations will be flying out of Troy Airport. This is just another example of expanding Troy businesses and certainly will provide some additional recognition and coverage of the Troy area with all of this helicopter activity.

DS/pg

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

Gary A. Shripka, Assistant City Manager/Services

Steven Vandette, City Engineer

SUBJECT: Resolution of Drainage Ditch Problem on Harris Street, west of

Rochester Road, in connection with Section 22 & 23 Water Main

Project

Reconstruction of ditches on Harris Street, following the water main construction, resulted in the ditch abutting two homes upstream of the existing storm outlet to hold several inches of water. The problem was caused by lowering of the ditch to match the elevation of the existing outlet, an outlet that we discovered holds approximately one third to a half of pipe of water on a continuous basis. This causes water to back up into the ditch along Harris. The higher ditch that existed prior to construction did not have this problem.

The Engineering Department was aware of the problem prior to resident comments made at the June 18, 2001 Council meeting and had done some preliminary work to resolve it. The storm sewer between Harris and Hartland streets was cleaned out by DPW to try and relieve the standing water in the pipe. It was suspected that dirt from a sinkhole over the sewer, in the church parking lot, was obstructing flow and backing up water in the pipe and the ditch upstream on Harris Street. After this cleaning, the water level went down a little but not enough to eliminate the problem. Additional ditch cleaning at the outlet and downstream on Hartland Street was done with similar results.

Currently we are working on a short-term and a long-term solution. The short-term solution is a partial enclosure of the ditch immediately upstream of the outlet on Harris Street. This work is scheduled for completion in the next two weeks. The long-term solution is construction of a new storm outlet from Harris Street south to the Lane Drain, south of Hartland Street. This will require design and acquisition of easements. Our goal is to include the storm sewer with the Harris Street special assessment paving plans scheduled for bids this summer and construction in September. Construction of the storm sewer may depend on easement acquisition and may be done after the paving is completed.

To: Honorable Mayor and City Council

From: John Szerlag, City Manager

Gary A. Shripka, Assistant City Manager, Services

Steven J. Vandette, City Engineer

William R. Need, Director of Public Works

Subject: Federal Storm Water Regulations

The Environmental Protection Agency (EPA) has passed the Phase II National Pollutant Discharge Elimination System (NPDES) regulations, which will go into effect in March 2003. These regulations will apply to all municipalities and organizations that maintain separate storm water systems and have populations between 50,000 and 100,000. The Michigan Department of Environmental Quality (MDEQ) is now drafting the permit application and requirements for Michigan communities. The City of Troy is one of the communities that will be affected by these regulations.

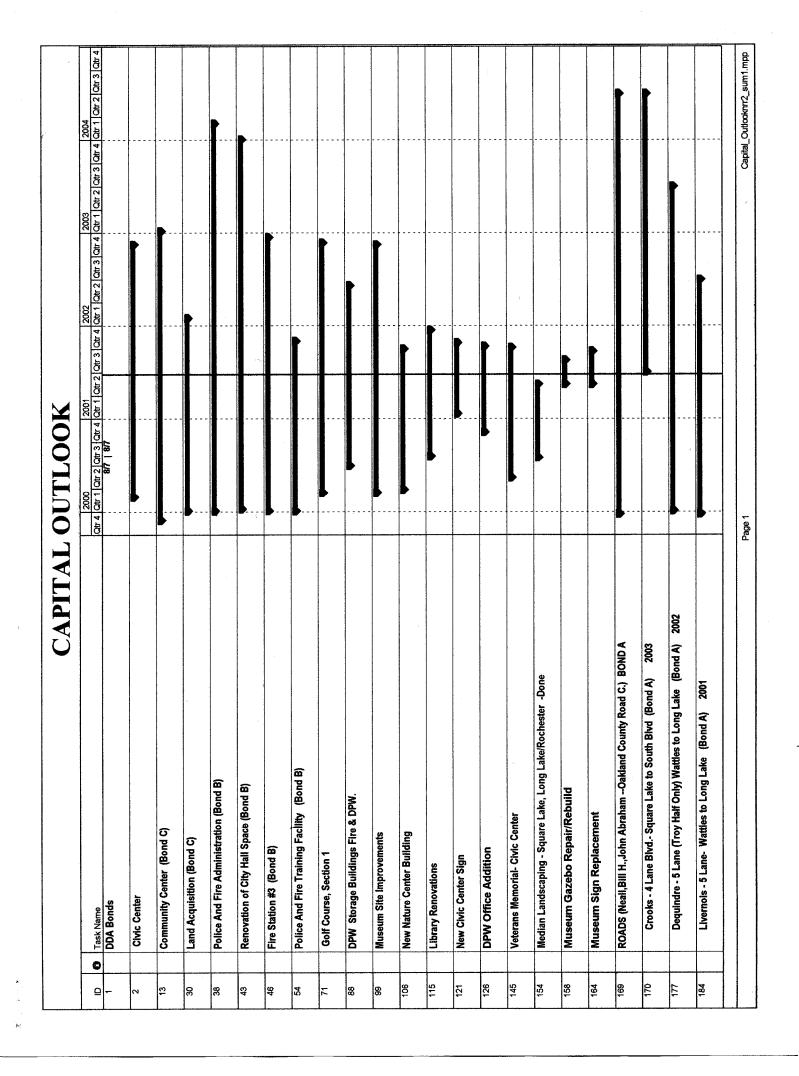
However, the EPA has approved Michigan's Voluntary General Storm water Permit as a substitute for the NPDES phase II permit. The City's application for a Voluntary General Storm Water Permit is currently under review by the MDEQ, and if this permit is approved, the City of Troy will not need to apply for the Phase II permit. During the first permit period, the EPA will review and compare the two types of permits and will make a decision as to whether or not they will continue to allow Michigan communities to make this substitution. The benefits for the Voluntary General Storm water Permit include considerable amounts of grant money available to perform the required storm water work, cooperative efforts with neighboring watershed communities, a less adversarial role between the communities and the MDEQ, and more flexibility in implementing various storm water improvement programs.

In the future, storm water regulations will require the City of Troy to investigate updating and modifying its Development Standards and Ordinances to address protecting water quality. While we do not anticipate changes in storm water regulations that require increased detention (increasing the size of ponds and/or pipes), pre-treatment of storm water from new developments prior to discharge to the waters of the State, and the use of Better Site Design principles that reduce the amount of water entering the storm water system may be required. The City's need for retrofitting existing systems to obtain storm water quality improvements has not been fully determined. The more pro-active the City of Troy is today, the easier the transition will be for our community as the federal storm water regulations become more and more restrictive.

Prepared by Dana Calhoun, Storm Water Utility Engineer, and Tracy Slintak, Environmental Specialist

July 2, 2001

TO:	The Honorable Mayor and City Council
FROM:	John Szerlag, City Manager
SUBJECT:	Project Status Report
•	budget sessions, attached are timelines for major and From this point forward, I will be providing you with
As always, please feel from	ee to call should you have any questions.
Attachments	
G:\My Documents\JOHN S\2001\	NM&CC Re Project Status Report.doc



Capital_Outlooknrr2_sum1.mpp | 2000 | 2004 | 2001 | 2001 | 2002 | 2003 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 2004 | 61/4 100 4/21 CAPITAL OUTLOOK Page 2 Big Beaver- & Lane Blvd. (TIP)-Livernois to Rochester & I-75 to Livernois (DDA) 2001 Bond B first Issue \$2,330,000 (Fire sta.3, P&F Admin., C. H.Renov.and P.W.B.) Bond C first issue \$8,530,000(Land Acquisition and Community Center) Bond A First issue \$4,150,000 Roads (Crooks, Deq, Livernois, Long Lake) Rochester - 6 Lane Blvd.-I-75 to Torpey 1999 under construction P.N. 00.109.5 Wattles EB and WB Right Turn Lane at Coolidge Big Beaver - (TIP)-Adams to Coolidge - 5 Lane-. (DDA) 2001 Long Lake - 5 Lane - John R. to Dequindre (Bond A) 2002 P.N. 00.107.5 Crooks, Extend Left Turn Storage EB at Kirts Long Lake - 5 Lane - Carnaby to John R (Bond A) 2002 P.N. 99.206.5 -- Square Lake & Dequindre Intersection Bond issue 47 million; voters approved to must issue date P.N. 00.106.5 Coolidge Left Turn Storage Under I-75 Coolidge, Maple to Property Line (developer) 2000 P.N. 99.205.5 -- Square Lake -- John R. Intersection P.N. 00.108.5 Wattles Right Turn Lane at Forsyth Total first bond issue \$15,000,010 (2 year variable) Maple - Widening -Eton to Coolidge 2002 1-75 And Long Lake Interchange 14 Mile & John R. Median Roads DDA FUNDS Roads Misc. **Cmaq Projects** Task Name Ħ 304 299 246 274 288 百箧 28 88 219 232 240 254 88 281 294 212 220 227 237 247 792 289 197

July 5, 2001

TO:

The Honorable Mayor and City Council

FROM:

John Szerlag, City Manager

SUBJECT:

Levels of Approval for Platted and Unplatted

Residential Developments

We are sometimes asked to explain the difference between a tentative preliminary plat approval and final preliminary plat approval. Generally, tentative approval is a two-dimensional view of what has been submitted, assuming that all conditions of the proposed plat can be met. Final approval, on the other hand, is a verification that applicable ordinance and development standards are complied with.

This is probably better explained by a delineation of which items are addressed at each level of approval. As such, attached you will find specific elements we look for during each phase of the plat approval process.

Please feel free to call should you have any questions.

JS/mr\2001\To M&CC RE Plat Approval Process

Gary Shripka, Assistant City Manager/Services
 Mark Stimac, Director of Building/Zoning
 Mark Miller, Interim Planning Director

PLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Tentative Preliminary Plat Approval

The following items are addressed at **Tentative Approval**:

- Street layout
- Number of lots
- Building setbacks
- Lot dimensions
- Stub Street for possible future developments
- Locations of easements
- The Planning Dept. looks at the potential development of the abutting property.
- The developer must provide locations of wetlands on the property.
- An environmental impact statement is required if the development consists of 25 lots or more.
- A sign is placed on the property informing the public of the proposed development.
- A notice of the public meeting before Planning Commission is mailed to the abutting property owners.

Final Preliminary Plat Approval

The following items are addressed at Preliminary Plat- Final Approval:

- Determine that all are city standards are met and complied with.
- · Capacities of sanitary and storm sewer
- Size and location of Water mains
- Size and location Detention / Retention basins
- Grading and rear yard drainage
- Paving and widening lanes
- Financial guarantees
- Sidewalk and driveway approaches
- Approval from other government agencies involved with the development.
- Verification of wetlands and M.D.E.Q. permit if necessary.

Final Plat Approval

Final Approval is checking that everything in the approved Tentative and Final Preliminary Plats is complied with and that all property conveyances such as R.O.W, Easements, Open Space and Parks are in order.

UNPLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Preliminary Plan Approval

A sign is placed on the property informing the public of the proposed development. Adiacent property owners are notified by mail

Public meeting held by **Planning Commission** for review and recommendation to City Council **City Council** reviews and approvals plan

The following items are addressed at Preliminary Plan Approval:

- Street Pattern, including potential stub streets for future development
- Potential development pattern for adjacent properties
- Fully dimensioned residential parcel layout, including proposed building configurations
 - Number of lots
 - Building setbacks
 - o Lot dimensions
 - o Locations of easements
- Preliminary sanitary sewer, storm sewer, and water main layout
- Environmental Impact Statement (if required)
- Location(s) of wetlands on the property

Final Plan Approval

Notice sign is posted on site

City Council review and approval of:

- Final Plan
- Contract for Installation of Municipal Improvements (Private Agreement)

The following items are addressed at Final Plan Approval:

- Fully dimensioned plans of the total property proposed for development, prepared by registered Civil Engineer or Land Surveyor
- Corners of all proposed residential parcels and other points as necessary to determine that the potential parcels and building configurations will conform with ordinance requirements
- Warranty Deeds and Easement documents, in recordable form for all ROW. and easements which are to be conveyed to the public
- Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards:
 - Sanitary and Storm sewer
 - Water mains
 - Detention / Retention basins
 - Grading and rear yard drainage
 - o Paving and widening lanes
 - Sidewalk and driveway approaches
- Approval from other government agencies involved with the development
- Verification of wetlands and M.D.E.Q. permit if necessary
- Financial guarantees to insure the construction of required improvements and the
 placement of proper property and parcel monuments and markers shall be furnished by
 the petitioner prior to submittal of the Final Plan to the City Council for review and
 approval
- Floor Plans and Elevations of the proposed residential units

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager

Gary A. Shripka, Assistant City Manager William R. Need, Public Works Director

SUBJECT: Update of Chapter 16 Solid Municipal Waste and Recycling Ordinance

We are beginning the process of formulating new specifications for a new Refuse Collection contract (current contract expires July 2002). Recently we began reviewing the current Chapter 16, Garbage and Refuse Ordinance, and discovered that the text was very antiquated, having last been updated back in 1969.

We contacted several neighboring communities, and were provided copies of their ordinance. We have adapted language that we felt was suitable for Troy and added our own where necessary to better tailor an ordinance to the meds of our community.

The changes have been very extensive, including even a proposed new chapter title of Solid Municipal Waste and Recycling Ordinance for the original Garbage and Rubbish.

Chapter 16 – Municipal Solid Waste and Recycling

decomposition).

TITLE II -- UTILITIES AND SERVICES

CHAPTER 16 GARBAGE AND RUBBISHCHAPTER 16 MUNICIPAL SOLID WASTE AND RECYCLING

- 2.1 <u>Necessity.</u> The City of Troy, Michigan hereby declares that it is necessary to provide regulations governing the storage, collection, transportation, and disposal of garbage, rubbishrefuse, recyclables, yard recyclables, and other rejected, unwanted or discarded waste materials within the limits of the City of Troy in order that the public health and safety may be protected.
- 2.2 <u>Definitions.</u> In the interpretation of this Chapter the following definitions shall apply:
 (1) Refuse "Refuse" shall be understood to refer to all types of rejected.
- (1) Refuse "Refuse" shall be understood to refer to all types of rejected, unwanted, discarded or abandoned materials.
 (2) Combustible "Combustible" shall mean any refuse acceptable for incineration a partial list of which is:
 (a) Garbage. Includes waste resulting from the handling, preparation, cooking or spoiling of food. (Does not include such wastes from food processing plants, large quantities of condemned food
 - (b) Rubbish. Includes waste paper, empty tin cans, and glass containers if cleaned of contents, wood or wood products if under 3" in diameter and 3' in length, paper products except magazines and books.

products, or large quantities of wind-fallen fruit subject to rapid

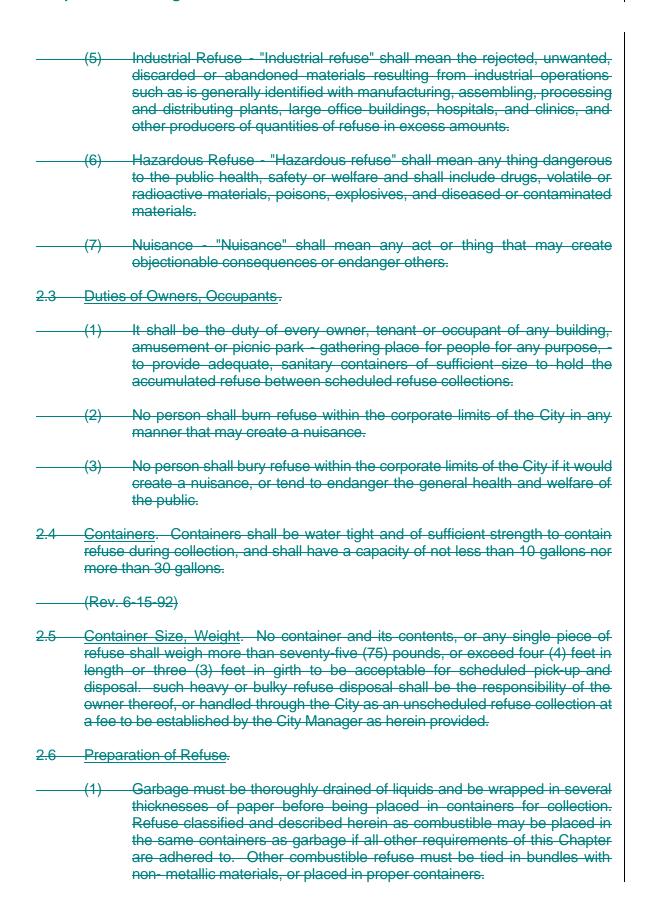
- (c) Dead Animals. Includes carcasses of small animals fish and fowl.

 (Does not include carcasses from large animals or from veterinary hospitals or clinics).
- (3) Non-Combustible "Non-combustible" shall mean any refuse not acceptable for incineration a partial list of which is:
- (a) Metal. Includes all metal or metal products except tin can containers.
- (b) Rubbish. Includes books, magazines, glass except small food containers, crockery, stones, concrete and all other such materials not herein defined.

Chapter 16 – Garbage and Rubbish

(c) Ashes. Includes residue from fires used for household heating or cooking, or domestic incinerators. (Does not include ashes produced by factories or plants, hotels, or apartment houses).
 (d) Yard Wastes. Includes large tree or shrub branches, clippings, weeds, leaves, sod, dirt, manure and other such refuse from domestic gardening and care of the premises.
 (4) Construction Refuse - "Construction refuse" shall mean all unwanted, rejected, discarded or abandoned materials resulting from the alteration, repair or construction of buildings.

Chapter 16 - Garbage and Rubbish



Chapter 16 - Garbage and Rubbish

(2) Non-combustible refuse as hereinbefore defined shall be placed in proper containers, or tied in bundles to facilitate handling wherever possible. In the case of articles not conforming to weight or dimension limitations, the City will arrange for pick-up and disposal if notified of the necessity for so doing, but such pick-ups shall be in accordance with section 2.5.

- (1) (3) Hazardous refuse as hereinbefore defined shall be the responsibility of the producer, or owner thereof and shall not be disposed of within the City, or allowed to be stored, or transported within the City without the written approval of the City Manager or his authorized agent, and then only under the supervision of someone appointed by him who has knowledge of the safety measures necessary to protect the public health and safety during such storing, transporting or disposing of hazardous refuse. Refuse "Refuse" shall be understood to refer to municipal solid waste excluding recyclables and yard recyclables.
- (2) <u>Construction Refuse "Construction refuse" shall mean all unwanted, rejected, discarded or abandoned materials resulting from the alteration, repair, construction, or demolition of buildings.</u>
- (3) Commercial/Industrial Refuse "Commercial/Industrial refuse" shall mean the rejected, unwanted, discarded or abandoned materials resulting from operations such as is generally identified with manufacturing, assembling, processing and distributing plants, large office buildings, hospitals, and clinics, and other producers of quantities of refuse in excess amounts.
- (4) Hazardous Refuse "Hazardous Refuse" shall mean anything dangerous to the public health, safety, or welfare and shall include liquids, drugs, volatile or radioactive materials, poisons, explosives, and diseased or contaminated materials.
- (5) <u>Nuisance "Nuisance" shall mean any act or thing that may create</u> objectionable consequences or endanger others.
- Yard Recyclables "Yard Recyclables" shall mean grass clippings, leaves, wood chips, chipped Christmas trees, small pencil-thin twigs, garden vegetables and fruit, old potting soil, Halloween pumpkins, shredded bark, sod, weeds, old flowers, prunings, straw, straw bales, play sand, top soil, old mulch, and corn husks.
- (7) Recyclables "Recyclables" shall be defined on an annual basis by the Southeastern Oakland County Resource Recovery Authority, but is expected to at least include newspapers, inserts, catalogs, magazines, brown paper grocery bags, paperboard, corrugated cardboard, telephone books, clear and brown glass, #1 and #2 plastics, metal cans, metal lids, pie tins, small metal objects, empty metal paint cans and metal aerosol cans, and household batteries.
- 2.3 Duties of Owners, Occupants.

Chapter 16 – Garbage and Rubbish

- (1) It shall be the duty of every owner, tenant or occupant of any building, amusement, picnic park, or gathering place for people for any purpose, to provide adequate, sanitary containers of sufficient size to hold the accumulated refuse between scheduled refuse collections.
- (2) No person shall burn refuse within the corporate limits of the City.
- (3) No person shall bury refuse within the corporate limits of the City.

2.4 Containers - General.

- (1) It shall be the duty of every owner, tenant or occupant of any building, and the owner of any property or use which generates refuse, to provide containers of sufficient size to hold the accumulated refuse between scheduled refuse collections.
- (2) Cardboard boxes, buckets, bushel baskets, paper bags, paint pails, and other containers of a like nature are considered unapproved containers and collection may not be made by the city when such containers are used.
- (3) Refuse placed in containers that exceed the size and weight limitation or otherwise do not conform to the provisions of this article may not be collected by the City.

2.5 Approved Container Size and Weight.

- (1) Approved containers shall be portable watertight and vermin-proof of substantial construction with handles and a tight-fitting cover. The container must have a capacity of at least ten (10) gallons, but not more than thirty-five (35) gallons except for a mechanically lifted cart, which may be used with the permission of the City.
- (2) Securely closed plastic bags up to thirty-two (32) gallons and of sufficient strength to contain refuse without breakage may be used.
- (3) No container and its contents, or any single piece of refuse shall weigh more than sixty (60) pounds, or exceed three (3) feet in length or three (3) feet in girth to be acceptable for scheduled pick-up and disposal.

2.6 Rejection of waste, tagging of containers

Chapter 16 – Garbage and Rubbish

- (1) If any owner or occupant of any property places any waste, which is rejected by the city waste collector because it does not conform to the requirements of this chapter, the city waste collector shall give notice to the owner or occupant of the premises by tagging the rejected waste. The tag shall advise the owner or occupant of the reason the waste was not collected and it shall include a telephone number to call for additional information and possible alternatives.
- (2) If the Department of Public Works determines the owner or occupant of the premises upon which rejected waste is located has failed to correct the violation, the Department of Public Works may make a special collection of the rejected waste and the property owner shall be liable for any expense the city incurs to cure the violation.
- 2.7 <u>Disturbing Containers.</u> No person other than the owner of refuse containers or his agents, or employees of licensees of the City shall disturb, remove, or attempt to remove refuse containers or their covers or disturb or remove or attempt to remove the contents of such containers or disturb, remove or attempt to remove any refuse not in containers whether same is on public or private property.
- 2.8 <u>Container Maintenance.</u> The owners of refuse containers or his agents, shall provide suitable places for the storage of containers and their contents between collection periods, and in such a manner as to be inaccessible to vermin, domestic animals, insects, and so as not to create a nuisance. #

 collection of refuse is to be
- made from locations other than the curb, containers and their contents shall be made accessible to the collectors.
- 2.9 Placing at Curb.
- 2.9 Quantity of refuse collected.
 - (1) In every case where the owner, occupant, or user of any residential premises generally accumulates more than one (1) cubic yard of refuse within any one-week period, it shall be the responsibility of such owner, occupant, or user to arrange for private collection and disposal.
 - (2) Commercial/industrial buildings may place at the curb up to 4 bags or cans per week for collection. These cans shall not exceed a thirty-five (35) gallon limit nor weigh more than 60 pounds. If the owner or occupant accumulates more than 4 bags or cans per week, it shall be the responsibility of the owner or occupant to arrange for private collection and disposal.

2.10 Preparation of Refuse.

- (1) Garbage must be thoroughly drained of liquids and be wrapped in several thicknesses of paper before being placed in containers for collection.
- (2) Hazardous refuse as hereinbefore defined shall be the responsibility of the producer, or owner thereof and shall not be disposed of within the City, or allowed to be stored, or transported within the City without the written approval of the City Manager or his authorized agent, and then only under the supervision of someone appointed by him who has knowledge of the safety measures necessary to protect the public health and safety during such storing, transporting or disposing of hazardous refuse. (Act 451 of 1994, Section 324.11105)
- (3) Large residential refuse items shall be broken down or disassembled and placed in approved receptables or securely tied in bundles which do not exceed sixty (60) pounds in weight, three (3) feet in length, and three (3) feet in girth. No item shall exceed 60 pounds.
- (4) Bulky residential refuse items, such as large appliances and furniture, which cannot be broken down or disassembled, shall be placed for collection in a manner to facilitate handling. For safety reasons, refrigerator doors will be removed before placing item at the curb. No item shall exceed 250 pounds.
- (5) No person may place for collection any materials, which could ignite waste in a receptacle or waste collection vehicle.

2.11 Preparation of Yard Recyclables.

- (1) Yard recyclable collection, as hereinbefore defined, typically runs for 35 weeks from mid-April through the first week in December. The Public Works Director or his designated representative will announce the dates each year.
- (2) Yard recyclables shall be placed in a trash container not exceeding thirty-five (35) gallons and a yard waste sticker shall be placed on the can to distinguish it from refuse. The container shall be placed so that the yard waste sticker faces the street and is located on the opposite side of the driveway as regular refuse. The container shall be placed at the curb by 7:00 a.m. on the normally scheduled collection day. Thirty (30) gallon yard waste paper bags may also be used.
- (3) At no time will the City collect yard waste packaged in plastic bags.

- (4) No refuse shall be collected from a container marked as yard recyclables.
- (5) No container shall exceed 60 pounds in weight.

2.12 Preparation of recyclables.

- (1) Recyclables, as hereinbefore defined, and as may be modified by the City Manger, shall be placed in a City of Troy approved recycling bin. The bin shall be placed on the opposite side of the driveway as the refuse. The bin shall be placed at the curb by 7:00 a.m. on the normally scheduled collection day.
- (2) Recyclables may also be placed in a container with a recyclables sticker placed on it. The container must conform to all provisions of section 2.4 and 2.5. The container shall be placed so that the sticker faces the street and the container is clearly distinguished from regular refuse. The container shall be placed on the opposite side of the driveway as the refuse.
- 2.13 Disposal of construction refuse It shall be the duty of the owner, contractor, occupant or other person responsible for construction work to arrange, at their own expense, the removal of such construction refuse from the premises, within a reasonable time after the completion of such construction work, all surplus construction materials, and all building and construction refuse.

2.14 Placing at Curb.

- (1) Refuse, recyclables, and recyclable yard waste will be collected Monday through Friday beginning at 7:00 a.m. with the exception of the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. When a holiday occurs on a weekday, refuse collection shall be made on the day following the regularly scheduled collection day. If the normally scheduled collection day is Friday, collection shall be made on Saturday.
- (2) ———No refuse shall be placed at the curb or street for collection prior to 7:00 p.m. on the day preceding the day scheduled for collection.

Chapter 16 – Garbage and Rubbish

case later than ten (10) hours after collection of refuse has been made.

(4) (Rev. 6-24-71) Trash shall be placed on one side of the driveway and compost and recycling on the other side.

2.102.15 Collection of Refuse.

- (1) ———Nothing in this Chapter shall be interpreted to prohibit or deny the owner or producer of refuse, his right to dispose of his own refuse if in so doing he does not violate any provisions of this Code.
- 2.132.16 Collection Vehicles. Vehicles used for collection, transportation of refuse within or through the City shall be water tight, covered, and conform to all laws regulating axle and road limitations.
- 2.142.17 <u>Disposal of Refuse</u>. All refuse collected for disposal from within the corporate limits of the City shall be disposed of at the facilities of the Southeastern Oakland County <u>Incinerator Resource Recovery</u> Authority.

(Rev. 5-29-67)

2.152.18 Routes to be Designated. The City shall designate the route to be taken by trucks of haulers of refuse through the City and to the Incinerator. facilities of the Southeastern Oakland County Resource Recovery Authority.

2.16

2.19 Composting

- (a) The restrictions of Chapter 39, Section 39.90.03; Chapter 88, Section 9.13; Chapter 48, Section 6.101(5) and Section 6.107 shall not be deemed to prohibit composting on private property; provided, there is compliance with the provisions of Sub-Section (b) below:
- (b) (1) Composting may include a combination of branches, bark, weeds, grass clippings, stalks and stems, brush or vines, leaves, soil/compost, wood chips. A commercial compost additive may be included as part of composting.
 - (2) Composting shall not include household waste such as meat and fish scraps, dairy products, bones, cooked food, vegetables, or animal manure.
 - (3) Composting shall not be located within any drainage easement. Composting shall be located only in a rear yard, a minimum of three (3) feet from any lot line and fifteen (15) feet from any dwelling located on adjacent property.
 - (4) A composting bin shall not exceed three (3) feet in diameter and three (3) feet in height. Each lot shall be limited to a maximum of three (3) bins.
 - (5) Composting shall be maintained in a manner to prevent the escape of offensive, unwholesome, or nauseous odor to adjacent property and not be an active attraction/refuge for rodents.
 - (6) The proper ratio of combined material is one-third (1/3) nitrogen and two-thirds (2/3) carbon. Nitrogen is green yard waste, such as grass clippings, weeds, hedge and shrub trimmings. Carbon is brown yard waste, such as leaves, wood chips and soil/compost.

(6/5/95)

DATE: July 2, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager

Gary A. Shripka, Assistant City Manager/Services Mark Stimac, Director of Building and Zoning

COPY: Robert Davisson, Assistant City Attorney

Andrew Jantz Peter Jantz

SUBJECT: Update on Dangerous Building

612 Trombley, Parcel # 88-20-22-401-006

On May 7, 2001 City Council held an Administrative Hearing on the appeal of the dangerous building determination regarding the existing structure at 612 Trombley. The resolution passed after that hearing (copy attached) required a number of things be done. The first was to have the petitioner install a fence around the structure. This was completed within a week of the hearing. The second was for City Administration to provide a listing of what steps were necessary to obtain building permit from the City to repair and re-occupy the structure. That letter, was sent to the petitioner on May 15, 2001 and a copy provided to Council at their meeting of May 21, 2001. A copy is attached for your reference.

The third requirement was that the applicant gives a status report on the completed work within 45 days. The 45 day period ended on June 21, 2001. Since no such report has been received from the applicant, staff has prepared a status of the review process as of this date.

- 1. No building permit application or plans have been submitted to the City of Troy Building Department.
- 2. No report has been submitted certifying the impact of the proposed development will have on the existing flood plain.
- 3. A copy of a letter to the Department of Environmental Quality, dated May 28, 2001, was received by the Building Department on May 31, 2001. No copies of a response have been received.

- 4. A copy of a letter to the Oakland County Drain Commission, dated June 3, 2001, was received by the Building Department on June 5, 2001. No copies of a response have been received.
- 5. A soil erosion permit application has not been submitted to the City of Troy Engineering Department.
- 6. Mr. Andrew Jantz was in the Building Department on May 29, 2001 to clarify specific submittal requirements for the Building Permit Application.

The City Administration is still prepared to review applications submitted to the City of Troy in a timely manner.

If Council directs, staff will contact Mr. Jantz requesting that he appear at a subsequent Council meeting to give a status report directly to Council.

A Regular Meeting of the Troy City Council was held Monday, May 7, 2001, at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 7:30 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Pastor Jim Roach – Abundant Grace Church, and the Pledge of Allegiance to the Flag was given.

ROLL CALL

PRESENT: Mayor Matt Pryor

Robin E. Beltramini Martin F. Howrylak Thomas S. Kaszubski David A. Lambert Anthony N. Pallotta Louise E. Schilling

A-1 Minutes: Regular Meeting of April 23, 2001 and Study Session of May 1, 2001

Resolution #2001-05-226 Moved by Pallotta Seconded by Kaszubski

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of April 23, 2001 and the 7:00 PM Study Session of May 1, 2001 be approved as submitted.

Yes: All-7

ADMINISTRATIVE HEARING

C-1 Appeal of Dangerous Building Determination – 612 Trombley, Parcel #22-401-006

Resolution #2001-05-227 Moved by Pallotta Seconded by Kaszubski

WHEREAS, On February 14, 2001, the structure at 612 Trombley, in the City of Troy, was declared a dangerous building by the City Housing and Zoning Inspector under the City of Troy Ordinances, Chapter 82B, Sections 5 (3) (e) and (h), since the structure is unsafe for its intended use as a dwelling; and

C-1 Appeal of Dangerous Building Determination – 612 Trombley, Parcel #22-401-006 – Continued

WHEREAS, The Housing and Zoning Inspector required this dangerous structure to be demolished on or before March 15, 2001; and

WHEREAS, The owner of the structure at 612 Trombley has filed a timely appeal of this order of demolition, and requested an administrative hearing before the Troy City Council, for which proper notice was given; and

WHEREAS, The City Council held the requested administrative hearing on this 7th day of May, 2001, and numerous existing structural ordinance violations at the subject structure were established, which include but are not limited to: missing windows, doors, rotted roof boards and sags in the roof, peeling paint, rotted fascia boards, and roof leaks; and

WHEREAS, The City Council was also presented with testimony regarding heating and plumbing violations of the structure, which revealed that an approved heating system, a bath tub or shower, lavatory, water closet, kitchen sink, laundry facilities, approved drainage and vent system, water supply system and water heater were required to be installed in order to comply with the City of Troy ordinances; and

WHEREAS, The City Council was also presented with testimony regarding the numerous electrical violations in the structure, which include but are not limited to the necessary installation of illumination throughout the residence;

NOW, THEREFORE, IT IS HEREBY RESOLVED, That the structure located at 612 Trombley is hereby declared a dangerous structure, under the provisions of Chapter 82B of the City of Troy Ordinances;

BE IT FURTHER RESOLVED, That the structure at 612 Trombley, Troy, MI shall be made habitable or demolished on or before May 28, 2001;

BE IT FURTHER RESOLVED, That if the structure at 612 Trombley is not made habitable or demolished on or before May 28, 2001, then the City of Troy is authorized to cause the structure to be razed and removed either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged as a lien upon the property at 612 Trombley, Troy, MI.

Yes: All-7

Resolution To Amend

Resolution #2001-05-228 Moved by Pryor Seconded by Howrylak

C-1 Appeal of Dangerous Building Determination – 612 Trombley, Parcel #22-401-006 – Continued

RESOLVED, That the resolution be amended subject to the following conditions: (1) Amend habitable or demolished date from May 28, 2001 to May 28, 2002; (2) Petitioner to install fence; (3) City Administration to provide a listing as to what work must be performed by the petitioner to remove the dangerous building status; (4) Petitioner to provide feedback to City Administration regarding completed work within 45 days; and (5) The 45 day requirement will be extended accordingly if a delay in work is caused due to restrictions set by a governmental agency.

Yes: Pryor, Beltramini, Howrylak, Kaszubski, Lambert, Pallotta

No: Schilling

Vote on Amended Resolution

Resolution #2001-05-229 Moved by Pallotta Seconded by Kaszubski

RESOLVED, That if the structure at 612 Trombley is not made habitable or demolished on or before "May 28, 2002", then the City of Troy is authorized to cause the structure to be razed and removed either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged as a lien upon the property at 612 Trombley, Troy, MI subject to the following provisions "(1) Petitioner to install fence; (2) City Administration to provide a listing as to what work must be performed by the petitioner to remove the dangerous building status; (3) Petitioner to provide feedback to City Administration regarding completed work within 45 days; and (4) The 45 day requirement will be extended accordingly if a delay in work is caused due to restrictions set by a governmental agency."

Yes: Pryor, Beltramini, Howrylak, Kaszubski, Lambert, Pallotta

No: Schilling

POSTPONED ITEMS

D-1 Request for Commercial Vehicle Appeal – 1855 Boulan

Resolution #2001-05-230 Moved by Pallotta Seconded by Schilling

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

DATE: May 15, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager

Gary A. Shripka, Assistant City Manager/Services Mark Stimac, Director of Building and Zoning

COPY: Robert Davisson, Assistant City Attorney

Mitch Grusnick, Plan Analyst Steve Vandette, City Engineer

Andrew Jantz Peter Jantz

SUBJECT: Requirements for Obtaining a Building Permit

612 Trombley

At the Administrative Hearing held before City Council on May 7, 2001 one condition of the resolution was that the administration prepare a list of requirements that the applicants must comply with before being able to obtain a building permit to renovate the structure. The following is a list of those requirements. There is no particular order that the must be followed, other than, we would suggest that the building permit application and plans be submitted first so that the other reviews can be conducted knowing the scope of the work proposed.

- 1. Submit a building permit application and two copies of detailed plans showing the scope of the proposed development project including how the structure will be brought up to minimum habitable standards. Plans should include information on structural revisions as well as proposed improvements to the plumbing, electrical, mechanical and thermal envelope (insulation).
- 2. Since it is obvious that the necessary work will cost more than 50% of the value of the structure, submit a report from a registered Professional Engineer certifying that the proposed development will not result in any increase in the base flood elevation during a base flood discharge per Section 7(2) of Chapter 42, Flood Plain Management Ordinance.
- 3. Submit conformation from the State of Michigan Department of Environmental Quality that their letter of no jurisdiction, dated June 9, 1999, is still applicable upon notice that the development proposed is to a structure located within the regulatory floodway. In order for staff to follow the progress of this item and

- report to Council we would request that the applicants send copies of all correspondence with the State of Michigan to the Building Department.
- 4. Submit approval, or a letter of no objection, from the Oakland County Drain Commission for any new structure, porches, or other appurtenances located within their drain easement that are proposed as part of the development. In order for staff to follow the progress of this item and report to Council we would request that the applicants send copies of all correspondence with the Oakland County Drain Commission to the Building Department.
- 5. Submit for and obtain a soil erosion permit from the City of Troy Engineering Department.

Once all approvals are received and any plan review comments are addressed, a building permit will be issued. Permits for plumbing, electrical, and mechanical work will also be required to be obtained prior to commencing any work on those systems.

While City staff cannot speak for the time frame of response from regulatory authorities outside of our control, review of properly prepared, complete applications for building and soil erosion permits can be reviewed by our staff within ten business days of submittal. Per Council's Resolution the owners are required to submit a written progress report within 45 days to detail the steps that have been taken to eliminate the dangerous structure.

We look forward to the elimination of this dangerous structure from the City of Troy, whether by demolition or by renovation in a timely manner. City staff is prepared to give this matter immediate attention once applications are made.

We will be happy to provide additional information regarding this matter if you desire.

JANTZ CONSTRUCTION

RECEIVED

MAY 3 1 2001

BUILDING DEPARTMENT

May 28, 2001

Ashok K. Punjabi Department of Environmental Quality Land and Water Management Division SE Michigan District Office 38980 Seven Mile Road Livonia, Michigan 48152-1006

To: Ashok K. Punjabi

Copy: Honorable Mayor and City Council, Troy, Michigan

John Szerlag, City Manager

Gary A Shripka, Assistant City Manager/Services Mark Stimac, Director of Building and Zoning Robert Davisson, Assistant City Attorney

Mitch Grusnick, Plan Analyst Steve Vandette, City Engineer

Subject: DEQ File No 99-10-0210, Reconstruction of a home at 612 Trombley

T2N, R22E, Section 22, City of Troy, Oakland County

We have been requested by the City of Troy Building Department in reference to letter from the City Manager dated May 15, 2001, item number 3:

Resubmit confirmation, from the State of Michigan, Department of Environmental Quality, that the letter of "no jurisdiction, dated June 9, 1999, is still applicable upon notice that the reconstruction of the home at 612 Trombley is within the regulatory floodway.

Please note that nothing has changed with regard to the intent or content to the proposed project or letter received June 9, 1999. Enclosed are the findings of City council meeting May 7, 2001 and lists the other requirements for obtaining a building permit at 612 Trombley.

Sincerely,

Andrew A. Janez

Jantz Construction

37315 CATHERINE MARIE • STERLING HEIGHTS, MI • 48312 PHONE: 313-594-3407 • FAX: 313-593-3409

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George W. Kuhn Oakland County Drain Commissioner Building 95 West One Public Works Drive Waterford, MI 48328-1907 RECEIVED

JUN 0 5 2001

BUILDING DEPARTMENT

To: William N. Eckstein, P.E.

Copy: Honorable Mayor and City Council, Troy, Michigan

John Szerlag, Gary A Shripka, Mark Stimac, Robert Davisson, Mitch Grusnick,

Steve Vandette, City of Troy

Reference: A) Sturgis Drain Proposed "Plot Plan for Lot 43 (20-22-401-0050)"; Plans Prepared by Carl Heikel Architect P.C., Their job No. 9909; Sheet No. 1 dated 9/3/98; Location: part of the Southeast 1/4 of section 22, City of Troy

B) Letter dated July 28, 1999

C) Architectural Drawings for 612 Trombley, Troy Michigan

Dear Mr. Eckstein,

The City of Troy required us to provide approval from the Oakland County Drain Commissioner or a letter of no objection with regard to our renovation project. Requirement number 4 specifies, "any new structures, porches or other appurtenances located within your drain easement, must be approved" by the Oakland County Drain Commissioner.

Please find enclosed:

- 1. The original letter you sent us dated July 28, 1999
- 2. Complete set of drawings for the renovation project at 612 Trombley, Troy, MI
- 3. Requirements for Obtaining a Building Permit for 612 Trombley.

Your office has already received one set of engineering plans for the above referenced residential project dated July 28, 1999, however the requirements request that we resubmit this information to bring your letter of no objection to the current date.

Please note that nothing has changed with regard to the intent or content to the proposed project or letter received July 28, 1999.

Indrew a.

Jantz Construction

37315 CATHERINE MARIE • STERLING HEIGHTS, MI • 48312 PHONE: 313-593-3407 • FAX: 313-593-3409



July 5, 2001

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: LORI GRIGG BLUHM, ACTING CITY ATTORNEY

RE: DARRAH V. OAK PARK, CITY OF TROY, OFFICER RUSS BRAGG

Enclosed please find the recent decision of the Sixth Circuit Court of Appeals, affirming the dismissal of the civil rights lawsuit filed against the City of Troy and Troy Police Officer Russell Bragg. The City of Oak Park and the individual Oak Park police officers were previously dismissed from the lawsuit.

As you may recall, Ms. Darrah was injured during a Detroit Newspaper strike in the City of Oak Park. Officer Bragg was sent to the City of Oak Park as part of a mutual aid request. The Plaintiff, Ms. Darrah was hit in the mouth as she physically tried to stop Officer Bragg from arresting another striking worker. The Oakland County Prosecutor's office authorized a warrant against Ms. Darrah for hinder and obstruct police officers in arresting the striking individual on October 8, 1995. After a jury trial, Ms. Darrah was acquitted of this underlying criminal charge.

U.S. District Court Judge George E. Woods dismissed the malicious prosecution claim against the City and Officer Bragg. Judge Woods also dismissed the alleged excessive force claim against Defendants. Plaintiff appealed this dismissal to the Sixth Circuit Court of Appeals. The Sixth Circuit panel affirmed the earlier dismissals, finding that Plaintiff had failed to set forth sufficient evidence of excessive force and malicious prosecution by the Troy defendants.

A motion to recover our costs will be prepared by our office. If you have any questions concerning the above, please let me know.

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RECOMMENDED FOR FULL-TEXT PUBLICATION

Pursuant to Sixth Circuit Rule 206

ELECTRONIC CITATION: 2001 FED App. 0202P (6th Cir.)

File Name: 01a0202p.06

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

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Plaintiff-Appellant,	No. 00-1253 (taka) (tak
ν. City of Oak Park, et al.,	e i ko meggi ji maki Milawasa yili e ili maka kata kata sa Assasa
Defendants,	า เป็น และ เป็น การ พ.ศ. การ พระมหายพย่าง ค.ศ. พ.ศ. 1865 - พ.ศ. 1865 - พ.ศ. 1865 - พ.ศ. 1865 - พ.ศ. พ.ศ. 1865 - พ.ศ. 1865 - พ.ศ. 1865 - พ.ศ. 1865 - พ.ศ. 1865
Russell Bragg, a Troy police officer, Defendant-Appellee.	्राच्या विकास के किस्ता के किया के किय किया किया किया किया किया किया किया किया

Appeal from the United States District Court

pathoday below on the eastern District of Michigan at Detroit.

No. 98-74365--George E. Woods, District Judge.

Argued: March 9, 2001

Decided and Filed: June 22, 2001

Before: SILER, MOORE, and CLAY, Circuit Judges.

COUNSEL

ARGUED: Kevin S. Ernst, LAW OFFICE OF K. S. ERNST, Detroit, Michigan, for Appellant. Lori Grigg Bluhm, Troy, Michigan, for Appellees. **ON BRIEF:** Kevin S. Ernst, LAW OFFICE OF K. S. ERNST, Detroit, Michigan, for Appellant. Lori Grigg Bluhm, Troy, Michigan, for Appellees.

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OPINION

RECOMMENDED FOR FULL TEXT PUBLICATION

Pursuant to Sixth Carreit Rate 206

KAREN NELSON MOORE, Circuit Judge. Plaintiff-Appellant Lucinda Darrah ("Darrah" or "plaintiff") appeals the district court's decision granting summary judgment to Officer Russell Bragg ("Bragg") on her excessive force and malicious prosecution claims, both brought pursuant to 42 U.S.C. § 1983. We AFFIRM the district court's decision. O some of the state of the court of the court

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Early in the morning on October 8, 1995, Lucinda Darrah arrived at the Detroit Newspaper Agency's ("DNA") Oak Park, Michigan distribution center to participate in an organized picketing in support of Detroit's unionized newspaper workers. The picketing was organized to coincide with the DNA's efforts to distribute the Sunday edition of the newspaper. Upon seeing the growing number of picketers arriving at the distribution center, Detective Krizmanich of the Oak Park Police Department called upon other officers from surrounding areas to assist in the handling of the situation. Thirty-seven officers and thirteen commanders responded to this call for assistance, including Officer Russell Bragg of the City of Troy Police Department.

By around 4:00 a.m., approximately two hundred picketers had arrived at the DNA distribution center. About one hour later, after several hours of unsuccessful negotiations aimed at encouraging the demonstrators to leave the distribution center driveway voluntarily so that the newspaper trucks could leave the premises, the officers decided to attempt to move the picketers off the driveway. The officers first spoke to the crowd over a bullhorn, stating that it was in violation of an Oak Park ordinance prohibiting demonstrators from blocking ingress and egress to property. The crowd only became more vocal after this warning, and then began to chant at the officers.

After the picketers ignored this warning, the officers then formed two lines and began to walk toward the middle of the driveway. The officers planned to expand their two lines out from the middle of the driveway, thus forcing the picketers to move back and away from the driveway. The officers in the formation had been instructed to take no shields or sticks and to use no tear gas. The officers were also told that if they met any physical resistance, they should retreat to the original staging area, where they would then make a decision as to what to do now. If a group 1.20 [4], 80.00.

The police had previously assigned various officers to form three arrest teams, whose duty "was to arrest individuals that were pointed out to [them] by supervisors as violating a city ordinance." Joint Appendix ("J.A.") at 115 (Bragg Test.). Officer Bragg was assigned to one of the arrest teams.

As the officers expanded their lines across the driveway, approximately half of the picketers voluntarily moved off to the side. One group of picketers refused to move, however, and remained in the middle of the driveway in a tight circle. Lieutenant Richard Cain, one of the supervising officers on the scene, approached a man in this group and instructed him to leave the driveway. The man, Bill Dearmond, remained in the driveway, looking defiantly at Cain as he repeated his order to move. After Dearmond refused to move, Cain instructed Bragg and the other two officers in his arrest team, Officers Petrides and Smith, to arrest Dearmond.

Officers Petrides and Bragg approached Dearmond and were able to grab hold of him. At this point,

however, another picketer jumped onto the officers' backs before Officer Smith could restrain Dearmond. Dearmond backpedaled further into the crowd as Officers Bragg and Petrides again attempted to arrest him. The plaintiff, who was back too far in the crowd to see what was happening at the front of the picket lines, only then noticed Officers Petrides and Bragg approaching. According to Darrah, the two officers were running toward the back of the crowd, pushing Dearmond along as they went. Darrah testified that the officers then "ram[med]" Dearmond to the ground and placed him in an arm lock, jerking his arm back further and further. J.A. at 86 (Darrah Dep.).

Upon witnessing this use of force, Darrah bent over, grabbed Officer Bragg by the ankle, and began tugging it with both hands, all the while telling him to stop hurting Dearmond. (1) Darrah stated that she was interfering with the officers' actions because she felt their conduct constituted police brutality.

Bragg was able to pull his ankle loose from Darrah's grasp, yet Darrah again grabbed hold of his ankle and told him to stop. At this point, both Darrah and Bragg essentially agree that Bragg "turned and swung backwards" with his left arm, hitting Darrah in the mouth. J.A. at 116 (Bragg Test.); J.A. at 88 (Darrah Dep.). Darrah was knocked backward and hit her head on what she believes was a parking block. Darrah suffered a "split lip" from the blow which required six or seven stitches. J.A. at 79 (Darrah Dep.). nonvoious autorio chamb and proposition best unalyzed under the found Amendment's motorous alleged and constitution of the constitution of

Officer Bragg testified that he did not get a good look at the person who he claimed was tugging at his belt, other than to see that the person was female. After knocking Darrah away from him, Bragg went back to "trying to arrest" Dearmond with Officer Petrides, yet by this point Dearmond had regained his footing and had taken off through the crowd. J.A. at 116-17 (Bragg Test.).

ed under the standard appropriate to that specific provision, not under the ribbic of substantive After the situation had settled down, officers spoke with Darrah and asked for her version of what had transpired. According to Lieutenant Cain's police report, Darrah refused to identify herself to the police. Cain further stated in his police report that "[t]he only reason she was not placed under arrest" at that time was because she asked to go to a hospital, J.A. at 223 (Cain Police Report). Darrah's personal information was later obtained from the ambulance staff that treated her on the scene. An arrest warrant for Darrah for obstructing a police officer was not issued until February 14, 1996, more than four A substantially ingher hardle must be surpassed to make a showing of execs. Inshini adaptation

couth Amendment than under the "objective reasonableness" lost of Graham, in which excessive A preliminary hearing on Darrah's obstruction charge was held on May 9, 1996, at which time the state district court determined that there was probable cause to hold Darrah over for trial. The court noted that regardless of Darrah and Bragg's differing accounts of the events, the mere act of pulling an officer while he was lawfully performing his duty was enough to "constitute[] ... resisting and obstruction." J.A. at 144 (Prelim. Examination Tr.). Darrah's case proceeded to trial, where she was acquitted by a jury on August 7, 1997 announced to death books (2000) and control of the control of depends on the factors circumstances of the case. Id. at 851-50, More specifically, in altertions where

On October 7, 1998, plaintiff filed suit in the United States District Court for the Eastern District of Michigan, raising several claims against Officer Bragg, in his individual capacity, and the Cities of Oak Park and Troy. More specifically, Darrah alleged that Officer Bragg's conduct violated her Fourth Amendment rights, and, under 42 U.S.C. § 1983, sued him for excessive force in striking her in the face after she attempted to prevent him from subduing Dearmond, and for malicious prosecution based on her claim that the state court's probable cause finding was founded upon Bragg's materially false statements,

actions "shock the considence" only if they involved incre employed "mallorinsty and

The defendants then filed a motion for summary judgment. While it is unclear from the record, it appears that the plaintiff thereafter voluntarily dismissed her claims against the Cities of Oak Park and Troy. The district court then granted the defendants' motion for summary judgment with respect to the

remaining § 1983 claims of excessive force and malicious prosecution against Officer Bragg. Darrah now appeals these remaining claims against Officer Bragg to this court. crespond to serial blue. The plaintiff who was back too far in the

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A. Standard of Review

This court reviews de novo a district court's decision to grant summary judgment. Campbell, 238 F.3d at 775. The moving party has the burden of establishing that there are no genuine issues of material fact, and that it is entitled to a judgment as a matter of law. Fed. R. Civ. P. 56(c). A dispute over a material fact cannot be "genuine" unless a reasonable jury could return a verdict for the nonmoving party. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986). In reviewing the district court's decision to grant summary judgment, this court must view all evidence in the light most favorable to the nonmoving party. Campbell, 238 F.3d at 775. siving backwards" with his left and, bitting Direct in the mouth, E.A. at

B. Darrah's Excessive Force Claim kis bompter firstly wold adviront "oil thice" a bereiter detred blode

While excessive force claims are often best analyzed under the Fourth Amendment's protection against unreasonable seizures, Graham v. Connor, 490 U.S. 386, 394 (1989), the Supreme Court has recently cautioned that not "all constitutional claims relating to physically abusive government conduct must arise under either the Fourth or Eighth Amendments[.]" United States v. Lanier, 520 U.S. 259, 272 n.7 (1997). Instead, the Court noted that "Graham simply requires that if a constitutional claim is covered by a specific constitutional provision, such as the Fourth or Eighth Amendment, the claim must be analyzed under the standard appropriate to that specific provision, not under the rubric of substantive due process." Id. Thus, while the Fourth Amendment "objective reasonableness" analysis should be used in excessive force cases involving searches and seizures, where there is no search or seizure, the Supreme Court has held that the substantive component of the Fourteenth Amendment's due process clause is the most appropriate lens with which to view an excessive force claim. County of Sacramento v. Lewis, 523 U.S. 833, 843 44 (1998): Lewis 523 U.S. 833 U.S. 83 reals for distinctible a police of facer was not install upid Policeral way

A substantially higher hurdle must be surpassed to make a showing of excessive force under the Fourteenth Amendment than under the "objective reasonableness" test of Graham, in which excessive force can be found if the officer's actions, in light of the totality of the circumstances, were not objectively reasonable. Graham, 490 U.S. at 396-97; Lewis, 523 U.S. at 845-46. The substantive due process rights of the Fourteenth Amendment protect citizens from the arbitrary exercise of governmental power. Lewis, 523 U.S. at 845. The test applied by the Supreme Court to determine when governmental conduct reaches this threshold is to ask whether the alleged conduct "shocks the conscience." Id. at 846. In Lewis, the Supreme Court explained that whether governmental conduct shocks the conscience depends on the factual circumstances of the case. Id. at 851-53. More specifically, in situations where the implicated government actors three Casane bound on an account framing a continued actors Ne bijen færing is ærd elsims ageiest Offices Bragg, in has gestviduel depablig, sadt

are afforded a reasonable opportunity to deliberate various alternatives prior to electing a course of action . . . , their actions will be deemed conscience-shocking if they were taken with "deliberate indifference" towards the plaintiff's federally protected rights. In contradistinction, in a rapidly evolving, fluid, and dangerous predicament which precludes the luxury of calm and reflective pre-response deliberation ..., public servants' reflexive actions "shock the conscience" only if they involved force employed "maliciously and sadistically for the very purpose of causing harm" rather than "in a good faith effort to maintain or restore discipline. "aniala and beautiful year and a vide muley and the restore discipline." The distribute court first product the defendance motion for manager, judgment with respect to the Claybrook v. Birchwell, 199 F.3d 350, 359 (6th Cir. 2000) (quoting Lewis, 523 U.S. at 852-53).

The first question in this case, then, is whether Officer Bragg's conduct in striking plaintiff in the face while plaintiff was attempting to prevent Bragg from executing an arrest constitutes a seizure. If so, this court should apply the Fourth Amendment "objective reasonableness" analysis articulated in Graham. If not, this court must determine whether Bragg's conduct, given these circumstances, shocks the conscience. Ultimately, we conclude that, regardless of which test is applied. Darrah is unable to create a genuine issue of material fact with respect to her excessive force claim. Therefore, we need not and do not decide whether Bragg's conduct constitutes a seizure to side of as thoughout commissing grand granters

3%, it is clear that Officer Braue rook relatively minimal measures to free himself from plaintiff

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1. "Shock the Conscience" Test

Applying the "shock the conscience" test, the more difficult standard for the plaintiff to meet, it is clear that the district court's decision granting summary judgment to Officer Bragg must be affirmed. As stated earlier, the Supreme Court has held that different conscience-shocking standards should be applied depending on the circumstances in which the governmental action occurred. Lewis, 523 U.S. at 850-51. Unlike those instances where the government actor has the time to deliberate various alternatives before acting, this case is precisely one of those "rapidly evolving, fluid, and dangerous" predicament[s] which precludes the luxury of calm and reflective pre-response deliberation[.]" Claybrook, 199 F.3d at 359. Officer Bragg, when grabbed from behind in a loud and unruly crowd of people, did not have time to deliberate the best possible course of action. Just the opposite is the case. In these instances, the Court has stated that the government actor's conduct shocks the conscience only if the force was applied "maliciously and sadistically for the very purpose of causing harm." Lewis, 523 U.S. at 853 (quotation omitted). Given the facts of this case, the plaintiff simply cannot show that any reasonable jury could find that Officer Bragg's conduct was malicious, sadistic, and imposed not to restore order, but only to cause harm of or angremental members of druod electrons as gain for a 2801 8

force, and neacestar wosecution. Following the district courts denial of the officer's motion for

2. "Objective Reasonableness" Test to the one your offered and the order of the ord

only from plaintiff's malicious prosecution claim. Even if we were to apply the Fourth Amendment "objective reasonableness" test, an easier standard for the plaintiff to meet, there still is no genuine issue that Officer Bragg's conduct did not amount to excessive force. In determining whether an officer's actions were objectively reasonable, courts must view the reasonableness of any seizure in light of the totality of the circumstances, analyzing the facts "from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." Graham, 490 U.S. at 396. The Graham Court emphasized that, when conducting the reasonableness inquiry, we must keep in mind the "tense, uncertain, and rapidly evolving" circumstances in which officers are forced to make difficult decisions about the appropriate level of force to be used. Id. at 397. In addition, when determining the reasonableness of the force used, courts should pay particular attention to "the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." Id: at 396 dimensure? and to menograve evilonated a content being a rule and to which the

In this case, Officer Bragg and the other members of his arrest team were in the middle of a boisterous and unruly group of picketers attempting to make an arrest of an individual who was resisting their efforts. One picketer had just jumped on the backs of Officers Bragg and Petrides before the third. officer was able to restrain him. The crowd was chanting in opposition to the police, and the noise grew louder as the officers attempted to clear the driveway. In the midst of this tumult, plaintiff grabbed Bragg's ankle with both of her hands and tried to prevent him from executing Dearmond's arrest. While Officer Bragg freed himself from her grasp initially plaintiff grabbed his ankle again. Only then did Bragg swing his arm backward at the plaintiff so as to free himself and further attempt to subdue Dearmond, from et as waiv on scarges, almost la reveite o rol centitog ain au nonscarp and bolines an ion

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L "Winter the Conscissor" Test

Viewing these facts "from the perspective of a reasonable officer on the scene," Graham, 490 U.S. at 396, it is clear that Officer Bragg took relatively minimal measures to free himself from plaintiff, particularly after his first attempt at shaking her loose was only temporarily effective. In light of the totality of the circumstances in which Officer Bragg was embroiled, we are convinced that any reasonable jury would find that Bragg's conduct was objectively reasonable. (2)

Thus, regardless of the standard that applies, plaintiff has failed to create a genuine issue of material fact with respect to the reasonableness of Bragg's conduct. Accordingly, the district court's decision granting Bragg summary judgment as to this claim is AFFIRMED.

C. Darrah's § 1983 Malicious Prosecution Claim

Plaintiff brings her malicious prosecution claim against Officer Bragg under 42 U.S.C. § 1983, claiming that the state court's probable cause finding regarding her obstruction charge "was based on the materially false statements and/or omissions of Defendant Bragg." Appellant's Br. at 35. More specifically, plaintiff claims that, had Bragg not lied in stating that he was involved in a lawful arrest of Dearmond, and had he not failed to reveal that he was assaulting Dearmond before plaintiff intervened, there would not have been probable cause to hold plaintiff over for trial on the obstruction charge.

Important to our analysis of plaintiff's malicious prosecution claim is this circuit's recent opinion in Frantz v. Village of Bradford, --- F.3d ---, No. 99-4186, 2001 WL 387731 (6th Cir. Apr. 18, 2001). The Frantz court, interpreting the Supreme Court's plurality opinion in Albright v. Oliver, 510 U.S. 266 (1994), broke from the ranks of nine other circuit courts of appeals in holding that "the Fourth Amendment does not support a separate malicious prosecution claim independent of the underlying illegal seizure." Frantz, 2001 WL 387731, at *4-5, 7. In Frantz, a police officer was sued pursuant to § 1983 for violating an arrestee's Fourth Amendment rights to be free from unlawful arrest, excessive force, and malicious prosecution. Following the district court's denial of the officer's motion for summary judgment, the officer filed an interlocutory appeal with this court asserting qualified immunity only from plaintiff's malicious prosecution claim.

After deciding that it had jurisdiction to review the officer's interlocutory appeal, the court decided that, before examining whether the officer was entitled to qualified immunity, it must first determine whether the plaintiff's Fourth Amendment malicious prosecution claim, from which qualified immunity was sought, was even a "cognizable constitutional claim." Id. at *3. In making this determination, the court looked to the Supreme Court's plurality opinion in Albright for guidance.

The state of the law for malicious prosecution claims brought pursuant to 42 U.S.C. § 1983 has been unsettled since the Supreme Court's decision in Albright. See John T. Ryan, Note, Malicious Prosecution Claims Under Section 1983: Do Citizens Have Federal Recourse?, 64 Geo. Wash. L. Rev. 776, 803-09 (1996) (noting the confusion among lower federal courts after Albright). In Albright, a plurality of the court agreed that the substantive component of the Fourteenth Amendment's Due Process Clause, "with its scarce and open-ended guideposts," may not serve as the basis for a § 1983 malicious prosecution claim. Albright, 510 U.S. at 275 (quotation omitted). The plurality did explain, however, that "[w]here a particular Amendment provides an explicit textual source of constitutional protection against a particular sort of government behavior, that Amendment, not the more generalized notion of substantive due process, must be the guide for analyzing these claims." Id. at 273 (quotation omitted). As for any specific constitutional provisions relating to federal malicious prosecution claims, the plurality explained that the Court has "in the past noted the Fourth Amendment's relevance to the deprivations of liberty that go hand in hand with criminal prosecutions." Id. at 274. Nevertheless, stressing the "very limited" nature of the plaintiff's claim, the plurality stated that, because plaintiff had not presented the question in his petition for certiorari, it would "express no view as to whether [his

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malicious prosecution] claim would succeed under the Fourth Amendment[.]" Id. at 271, 275.

The Frantz court, analyzing this discussion in Albright, interpreted the plurality as stating "that any recovery based on a claim of malicious prosecution in a case involving an illegal seizure is limited to that which is recoverable under a Fourth Amendment illegal seizure claim[.]" Frantz., 2001 WL 387731, at *6. In other words, the Frantz court held that plaintiffs have no separate § 1983 claim for malicious prosecution in cases based on alleged Fourth Amendment violations; in cases where the violation of Fourth Amendment rights is not at issue, however, the court interpreted Albright as stating that § 1983 malicious prosecution claims may still be available pursuant to the Fourteenth Amendment's substantive due process rights. Id. at *6-7 & n.2 onebroos ni dinicio esnoi evizaezzo garviseban red no rozari e de za Ci

It appears that, in reaching this conclusion, the Frantz court was influenced by the Supreme Court's decision to dismiss Albright's malicious prosecution claim without deciding whether the claim would be successful under the Fourth Amendment. In Albright, the plurality explicitly refrained from deciding the issue whether plaintiff's malicious prosecution claim would succeed under the Fourth Amendment because the plaintiff had "not presented that question in his petition for certiorari." Albright, 510 U.S. at 275. The Frantz court did not interpret the plurality's decision as expressing a desire to address only the narrow issue presented, however. Instead, the Frantz court, from our reading, believed that the Court's refusal to address the Fourth Amendment issue stood for the proposition that, because there was no underlying Fourth Amendment claim of illegal seizure upon which Albright's claim was based (he had previously waived any Fourth Amendment claims arising out of the initial seizure that occurred when he surrendered himself to the State following the State's issuance of a warrant for his arrest), the Court could not address any "separate" claim of malicious prosecution under the Fourth Amendment. Frantz, 2001 WL 387731 at *6. Based on its interpretation of Albright, the Frantz court held that, because only the plaintiff's Fourth Amendment malicious prosecution claim was before it, and because there was no separate claim of malicious prosecution under the Fourth Amendment after Albright, the police officer's request for qualified immunity from this nonexistent claim was unnecessary. Id. at *6-7.

Whether this was a proper reading of Albright is not our place to say, for "[a] panel of this Court cannot overrule the decision of another panel. The prior decision remains controlling authority unless an inconsistent decision of the United States Supreme Court requires modification of the decision or this Court sitting en banc overrules the prior decision." (3) Salmi v. Sec'y of Health & Human Servs., 774 F.2d 685, 689 (6th Cir. 1985); see also 6th Cir. R. 206(c) (stating that published panel opinions are binding on all subsequent panels). We do note, however, as did the dissenting opinion in Frantz, that the Frantz majority explicitly chose to disregard a prior binding precedent of this circuit that had interpreted Albright as authorizing a Fourth Amendment malicious prosecution claim. Spurlock v. Satterfield, 167 F.3d 995, 1006 & n.19; see also Frantz, 2001 WL 387731, at *7 (disregarding Spurlock). Contrary to Frantz, in Spurlock, this court expressly described Albright as establishing that "malicious prosecution of an individual and continued detention of an individual without probable cause clearly violate rights afforded by the Fourth Amendment[.]" Spurlock, 167 F.3d at 1006. Thus, Spurlock interpreted Albright as authorizing a Fourth Amendment malicious prosecution claim. As we have previously noted, when a later decision of this court conflicts with one of our prior published decisions, we are still bound by the holding of the earlier case. Sowards v. Loudon County, Tenn., 203 F.3d 426, 431 n.1 (6th Cir. 2000); Brentwood Acad. v. Tenn. Secondary Sch. Athletic Ass'n, 180 F.3d 758, 765 (6th Cir. 1999), rev'd on other grounds, 121 S. Ct. 924 (2001). abanois out no moso Insebet al musto musicoscom escalations

Although we believe the Spurlock case to be binding rather than Frantz, because this court's decision in Frantz has clouded the already murky waters of Albright and a plaintiff's right to bring a malicious prosecution claim under the Fourth Amendment, we will examine Darrah's malicious prosecution claim under both Spurlock and Frantz. Under either approach, Darrah's malicious prosecution claim will be unsuccessful.

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If we were to apply Frantz to this case, we would have to dismiss Darrah's malicious prosecution claim because she has no separate § 1983 action for malicious prosecution under the Fourth Amendment. Frantz, 2001 WL 387731, at *6-7 & n.2. If Frantz were binding, it appears that, at most, a plaintiff could recover additional damages as part of her overall Fourth Amendment claim if, following an arrest without probable cause in violation of the Fourth Amendment, a prosecution follows. Id. at *7. No additional damages would be available to Darrah based on her prosecution for obstructing a police officer, however, for we earlier affirmed the district court's decision that no reasonable jury could find in Darrah's favor on her underlying excessive force claim. In accordance with Frantz, we would have to dismiss Darrah's federal malicious prosecution claim. h appears that, in seaching this conclusion, the Frank spark was influenced by the Suppense Court's

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Assuming, as we do, that Spurlock still binds this court even after Frantz, a plaintiff has a constitutionally cognizable claim of malicious prosecution under the Fourth Amendment. In this case, Darrah brings her malicious prosecution claim pursuant to her Fourth Amendment right against unlawful seizures. J.A. at 17-18 (Compl.). refresh to succeeding Fourth Americanese issue stood for the proposition

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a. Collateral Estoppel de india de inde moque emetes legelle le minte teconhesma desue l'indivissione

As stated earlier, plaintiff brings her Fourth Amendment malicious prosecution claim on the grounds that the state court's probable cause finding was based on Officer Bragg's false statements and omissions. The district court, in granting defendant's motion for summary judgment with respect to Darrah's malicious prosecution claim, based its decision, in part, on the doctrine of collateral estoppel. The district court stated that plaintiff was precluded from raising the issue of probable cause for a second time after the state court, in an adversary proceeding, had already determined that there was probable cause to hold her over for trial. See Coogan v. City of Wixom, 820 F.2d 170, 175 (6th Cir. 1987) ("where the state affords an opportunity for an accused to contest probable cause at a preliminary hearing and the accused does so, a finding of probable cause by the examining magistrate or state judge should foreclose relitigation of that finding in a subsequent § 1983 action.").

As the Supreme Court has held, we must apply the state law of collateral estoppel when deciding whether the state court's determination of probable cause at the preliminary hearing has preclusive effect in this § 1983 action. Haring v. Prosise, 462 U.S. 306, 313 (1983). Under Michigan law, issue preclusion applies when 1) there is identity of parties across the proceedings, 2) there was a valid, final judgment in the first proceeding, 3) the same issue was actually litigated and necessarily determined in the first proceeding, and 4) the party against whom the doctrine is asserted had a full and fair opportunity to litigate the issue in the earlier proceeding. People v. Gates, 452 N.W.2d 627, 630-31 (Mich.), cert. denied, 497 U.S. 1004 (1990).

Following our reasoning in Josey v. Salisbury, No. 92-2093, 1993 WL 476974 (6th Cir. Nov. 18, 1993), an unpublished case with similar facts, we hold that the identity of the issues requirement under Michigan law has not been satisfied in this case. In Josey, as in this case, the plaintiffs based their malicious prosecution claim in federal court on the grounds that the defendant-officers had knowingly supplied the magistrate with false information in order to establish probable cause. Id. at *2. Thus, the court held, plaintiffs were not attempting to relitigate the identical issue of whether probable cause exists; rather, they were arguing that the officers misstated material facts in order to establish probable cause at the state level. Id. (citing Jones v. City of Chicago, 856 F.2d 985, 994 (7th Cir. 1988)). Applying the same reasoning to this case, we hold that the state court's determination of probable cause

at the preliminary hearing is not identical to the issue Darrah argues today, that being whether Officer Bragg made materially false statements to the state judge that formed the basis of that court's probable cause determination. Accordingly, we proceed to a review of the merits of Darrah's Fourth Amendment have the right to use physical force to resist an unlawful arrest third-panty inminested projection

Deposit v. Stedin, 597 N. W. 2d. 247, 249-50 (Mich. Ct. App. 1999). Thus, even though Bruce only have Avigatory b. The Merits of Darrah's Malicious Prosecution Claim

plantiff had no right under Michigan law to resort to physical force against Officer Brogg in an attempt In Frantz, this court held that, following Albright's holding that the "Fourth-Amendment is the only of 'peg' on which to hang a \$ 1983 claim alleging malicious prosecution," we may no longer rely on the state law of malicious prosecution to define the proper cause of action for a federal malicious prosecution claim under § 1983. (4) Frantz, 2001 WL 387731, at *5. The Frantz court explained "that establishing a § 1983 cause of action requires a constitutional violation and cannot differ depending on the tort law of a particular state." Ideac and the arguments presented by Dachi. States all pairs and the arguments presented by Dachi. they could build that Officer Brage's allegadly misleading acts and omissions affected the state courf's

Other than its holding that a § 1983 action for malicious prosecution requires a constitutional violation, the Frantz court did not further explicate the elements of a § 1983 malicious prosecution claim under the Fourth Amendment, because Frantz later held that no such claim exists after Albright. We need not enunciate a test for malicious prosecution under § 1983 either, however, for Darrah can show no constitutional deprivation in this case. Regardless of the specific elements of the federal malicious prosecution claim, plaintiff is unable to allege an unreasonable seizure under the Fourth Amendment, i.e., that there was no probable cause to justify her arrest and prosecution. See Albright, 510 U.S. at 273-*75*. judgment with respect to Darrah's excessive force and federal mulicious prosecution claims

We need not proceed any further than the probable cause analysis to decide plaintiff's malicious prosecution claim. Plaintiff claims in her brief that the state court's determination of probable cause to prosecute her on the obstruction charge was based on false information provided by Officer Bragg. However, if this court finds that there was probable cause to prosecute Darrah, regardless of any alleged false statements made by Bragg, then she cannot make out a malicious prosecution claim under the Fourth Amendment.

"Probable cause to make an arrest exists if the facts and circumstances within the arresting officer's knowledge were sufficient to warrant a prudent man in believing that the [arrestee] had committed or was committing an offense." Pyles v. Raisor, 60 F.3d 1211, 1215 (6th Cir. 1995) (quoting Beck v. Ohio, 379 U.S. 89, 91 (1964)). Plaintiff contends that Officer Bragg misled the state court by: 1) stating that plaintiff reached for his gun belt rather than his ankle when he was attempting to subdue Dearmond; 2) stating that he was conducting a lawful arrest when plaintiff interfered with him; and 3) failing to disclose to the court "that he was assaulting the civilian on whose behalf Plaintiff intervened[.] Appellant's Br. at 35-36. "anding I the Fourth Amendment

Taking these allegations into account, it is clear that, regardless of any alleged misinformation provided to the court by Bragg, the state court would have concluded that there was probable cause to arrest Darrah and hold her over for trial. First, the state court transcript clearly refutes plaintiff's claim that whether she was grabbing Bragg's gun belt or his ankle affected the court's decision to hold her over for trial. In the preliminary hearing, the court stated that the mere act of pulling on the officer, regardless of whether it was his belt or his ankle, was enough to constitute probable cause to hold plaintiff over for trial. J.A. at 144 (Prelim. Examination Tr.). Plaintiff also admitted in her deposition that she was trying to interfere with the officers actions when they were using force on Dearmond. J.A. at 87 (Darrah Dep.).

Plaintiff further claims that Officer Bragg's misleading police report, which allegedly indicated that he was engaging in a lawful arrest of Dearmond, influenced the state court's decision to find probable

cause for plaintiff's arrest and prosecution on the obstruction charge. There are two problems with this argument: first, based on the facts alleged by Darrah and the information in the police report, there is no indication that Bragg's report misled the court in any way; second, under Michigan law, while arrestees have the right to use physical force to resist an unlawful arrest, third-party intervenors do not. City of Detroit v. Smith, 597 N.W.2d 247, 249-50 (Mich. Ct. App. 1999). Thus, even though Bragg may have used force against Dearmond when attempting to handcuff him that the plaintiff considered excessive, plaintiff had no right under Michigan law to resort to physical force against Officer Bragg in an attempt to aid Dearmond. Because Darrah had no right to intervene physically on Dearmond's behalf even if she thought the officer's use of force was excessive, the extent to which Bragg informed the court of the force he used in his attempts to detain Dearmond could not have affected the state court's determination of the probable cause to prosecute Darrah for obstructing a police officer. See a special police officer. no anibasque relitie toposo brus notalicis indictivitational estatope notale del 3 e anibasido asserbas on

After reviewing the evidence and the arguments presented by Darrah, we conclude that no reasonable jury could find that Officer Bragg's allegedly misleading acts and omissions affected the state court's determination of probable cause in any way. Accordingly, having recognized a § 1983 claim of malicious prosecution pursuant to Spurlock, we AFFIRM the district court's decision granting Officer Bragg summary judgment on this claim: on that that the blad was some and through the bragging and the blad was the blad wa need dot countries a test for malicious prosecution under § 1983 either, however, for Dacrah can show

audicities further est to amercula offic III. CONCLUSION date and in moltavingab tendication on prosecution aftern, plaintiff is unable to allege an unreasonable seizing under the Fourth Sintentiment.

For the foregoing reasons, we AFFIRM the district court's decision granting Officer Bragg summary judgment with respect to Darrah's excessive force and federal malicious prosecution claims.

Footnotes

prosecution claim. Plaintiff craims in her base that the state court's determination of probable cause 1 Officer Bragg claims that it was not his ankle, but his gun belt, that was being pulled. J.A. at 118. For purposes of a summary judgment motion, this court must view the facts in the light most favorable to Darrah, the nonmoving party. Campbell v. Grand Trunk W. R.R. Co., 238 F.3d 772, 775 (6th Cir. Manthrey Artnell 2001).

² Because any reasonable jury would find that Bragg's conduct was objectively reasonable, we need not determine whether Bragg's conduct was qualifiedly immune. See Martin v. Heideman, 106 F.3d 1308, 1312-13 (6th Cir. 1997); Walton v. City of Southfield, 995 F.2d 1331, 1342 (6th Cir. 1993). si indonesata dibibbilata 2000

³ Nevertheless, it does appear that the *Frantz* court may have been reading too much into the *Albright* Court's decision not to address the Fourth Amendment issue. The Albright Court at no time explicitly stated that there is no separate constitutional claim for malicious prosecution based on the Fourth Amendment. In addition, by "not[ing] the Fourth Amendment's relevance to the deprivations of liberty that go hand in hand with criminal prosecutions[,]" it does not appear that the Court was intimating that, in cases based on Fourth Amendment violations, a plaintiff could never have a separate Fourth Amendment claim of malicious prosecution. Albright, 510 U.S. at 274.

In light of Albright's holding, the Frantz court disavowed any further reliance on Coogan, 820 F.2d at 174-75, which had previously held that a § 1983 action for malicious prosecution is defined, in part, by the elements of the state law tort of malicious prosecution. We are bound by the Frantz court's holding disayowing our prior decision in Coogan because Frantz applied the new Supreme Court decision in Albright to the Coogan case that had preceded Albright. We are not bound by the Frantz court's interpretation of Spurlock, however, because Spurlock (unlike Coogan) was decided after Albright, and had interpreted Albright in concluding that a § 1983 cause of action for malicious prosecution does exist under the Fourth Amendment. No new Supreme Court case justified the Frantz

court's decision to disregard Spinlock.

A Regular Meeting of the Troy City Council was held Monday, July 9, 2001, at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 7:38 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Pastor Ed Schick – Bethel Baptist Church, and the Pledge of Allegiance to the Flag was given.

ROLL CALL

PRESENT: Mayor Matt Pryor

Robin E. Beltramini Martin F. Howrylak Thomas S. Kaszubski David A. Lambert Anthony N. Pallotta Louise E. Schilling

A-1 Minutes: Regular Meeting of June 18, 2001 and Joint Meeting of June 21, 2001 with Troy School District

Resolution #2001-07-326 Moved by Pallotta Seconded by Kaszubski

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of June 18, 2001 be approved as corrected and the Joint Meeting of June 21, 2001 with Troy School District be approved as submitted.

Yes: All-7

A-2 Presentation: Service Commendation Presented to Larry Keisling

Mayor ProTem Kaszubski presented former Planning Director Larry Keisling with a service commendation for his years of service with the City of Troy.

Mayor Pryor surrendered the Chair to Mayor ProTem Kaszubski at 7:45 P.M. due to having difficulty speaking.

PUBLIC HEARING

C-1 Placement of a Free Standing Communications Tower – Nextel Communications

Resolution #2001-07-327 Moved by Schilling Seconded by Beltramini

RESOLVED, That at the request of the property owner, David Nelson, and the petitioner, Nextel Communications, Inc., the Public Hearing to consider a request by Nextel Communications, Inc. to construct a 100-foot cell tower at the Northfield Commons Shopping Plaza, located in the southwest quadrant of the Crooks Road and South Boulevard intersection is hereby **CONTINUED** until the next Regular City Council Meeting scheduled for July 23, 2001.

Yes: Beltramini, Howrylak, Kaszubski, Pryor

No: Lambert, Pallotta, Schilling

MOTION CARRIED

VISITOR COMMENTS

CONSENT AGENDA

E-1 Approval of Consent Agenda

Resolution #2001-07-328 Moved by Pallotta Seconded by Schilling

RESOLVED, That all items as presented on the Consent Agenda are hereby approved as presented with the exception of Items E-2, E-5, E-7 and E-13, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

E-3 Approval of Funding Agreement Boys and Girls Club

Resolution #2001-07-328-E-3

RESOLVED, That the funding agreement between the City of Troy and Boys and Girls Club of Troy covering July 1,2001 through June 30, 2002 is hereby approved and the Mayor and City Clerk are authorized to execute the documents, and copies shall be attached to the original Minutes of this meeting.

E-4 Ratification of Board and Commission Members

Resolution #2001-07-328-E-4

BE IT RESOLVED, That the Troy City Council ratifies the appointment and designated term for all persons previously named to the Troy Board of Zoning Appeals, the Troy Liquor Committee, and the Troy Planning Commission, as listed on the Directory of City Officials, which is maintained by the City Clerk, and is current as of July 7, 2001.

E-6 Standard Purchasing Resolution 1: Award to Low Bidder – Fence Replacement for Stoneridge Detention Basin

Resolution #2001-07-328-E-6

RESOLVED, That a contract to furnish all labor, material, and equipment to remove, dispose, and install fencing at Stoneridge Detention Pond be awarded to the low bidder, Riteway Fence Company, at unit prices contained in the bid tabulation opened June 14, 2001, a copy of which shall be attached to the original Minutes of this meeting, at an estimated total cost of \$26,028.40.

BE IT FURTHER RESOLVED, That the award is contingent upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

E-8 Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Fertilization Services for Sylvan Glen Golf Course

Resolution #2001-07-328-E-8

RESOLVED, That a contract to provide three (3) year requirements of fertilization services at Sylvan Glen Golf Course is hereby awarded to the lowest acceptable bidder meeting specifications, Turfgrass, Inc., at unit prices contained in the bid tabulation opened June 8, 2001, a copy of which shall be attached to the original Minutes of this meeting, at an estimated total cost of \$50,750.94.

BE IT FURTHER RESOLVED, The award is contingent upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements.

E-9 U.S. Conference of Mayors

Resolution #2001-07-328-E-9

RESOLVED, That authorization is granted for the Mayor's attendance at the U.S. Conference of Mayors in Detroit held on June 22, 2001.

E-10 Private Agreement for Stratford Sanitary Sewer Extension - Project No. 01.403.3

Resolution #2001-07-328-E-10

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Daniel Bora is hereby approved for the installation of sanitary sewer on the site and in the adjacent right-of-way, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

E-11 Traffic Signal Maintenance Cost Agreement – Intersection of Big Beaver and Bellingham

Resolution #2001-07-328-E-11

RESOLVED, That the agreement for Traffic Control Device between the Road Commission for Oakland County and the City of Troy, for maintenance of the proposed traffic signal at Big Beaver and Bellingham Roads is hereby approved, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

E-12 Authorization to Sign Detroit Edison Public Utility Easement Agreement

Resolution #2001-07-328-E-12

RESOLVED, That the City Manager is authorized to sign on behalf of the City of Troy, the Public Utility Easement agreement prepared by Detroit Edison relating to the private development of the "Coolidge Medical Office Building", Sidwell #20-32-191-019.

E-14 Authorization From City Council for July 13 and July 14, 2001 Trip

Resolution #2001-07-328-E-14

RESOLVED, That authorization be granted for City Council Members to travel to Kingsport, Tennessee to visit the Meadowview Conference Center, and to Rosemont, Illinois to visit the Rosemont Theater on July 13 and 14, 2001; and that reimbursement for reasonable travel expenses necessary for this fact finding mission for the Civic Center site development will be made.

E-15 Abbotsford Development v City of Troy et. al

Resolution #2001-07-328-E-15

RESOLVED, That the City Attorney is hereby authorized and directed to represent the City of Troy in any and all claims and damages in the matter of Abbotsford Development, L.L.C. v City of Troy et. al., and to retain any necessary expert witnesses and outside legal counsel to adequately represent the City.

ITEMS TAKEN OUT OF ORDER

E-2 Approval of Medi-Go Service Agreement

Resolution #2001-07-329 Moved by Pallotta Seconded by Schilling

RESOLVED, That the request for funding in the amount of \$110,000.00 for Troy Medi-Go Plus for fiscal year 2001/2002, and the funding agreement between the City of Troy and Troy Medi-Go Plus covering July 1, 2001 through June 30, 2002 are hereby approved and the Mayor and City Clerk are authorized to execute the documents, and copies shall be attached to the original Minutes of this meeting.

Yes: All-7

E-5 SEMCOG 2001 Membership Dues

Resolution #2001-07-330 Moved by Pallotta Seconded by Schilling

RESOLVED, That the annual membership dues to the Southeast Michigan Council of Governments (SEMCOG) are hereby approved in the amount of \$11,040.00 for the period of July 15, 2001 through July 15, 2002.

Yes: All-7

Resolution for the Appointment of the SEMCOG Representative

Suggested Resolution
Resolution #2001-07Moved by Pallotta
Seconded Lambert

RESOLVED, That Council Member Beltramini be appointed as the SEMCOG representative for the City of Troy.

Resolution to Postpone

Resolution #2001-07-331 Moved by Pallotta Seconded Lambert

RESOLVED, That the motion to appoint Council Member Beltramini as the SEMCOG representative for the City of Troy be **POSTPONED** until the Regular City Council Meeting scheduled for July 23, 2001.

Yes: All-7

E-7 Design Services – CMAQ Projects - Insurance

Resolution #2001-07-Moved by Pallotta Seconded by Beltramini

WHEREAS, Ken Van Hoelst, P.E. is providing design services for the following CMAQ projects:

Project No. 99.205.5 – Square Lake – John R Intersection
Project No. 99.206.5 – Square Lake – Dequindre Intersection
Project No. 00.106.5 – Coolidge Left Turn Storage Under I-75
Project No. 00.108.5 – Wattles Right Turn Lane at Forsyth
Project No. 00.109.5 – Wattles EB & WB Right Turn Lane at Coolidge

NOW BE IT RESOLVED, That insurance costs for Ken Van Hoelst, P.E., in the amount of \$7,113.00 for the period beginning July 1, 2001 through June 30, 2002 in connection with CMAQ Design Services being provided by Ken Van Hoelst under his contract with the City of Troy, Resolution #2000-305, is hereby authorized. Funds are available in the 2001-02 Major Roads Capital budget.

Resolution to Postpone

Suggested Resolution Resolution #2001-07-332 Moved by Beltramini Seconded Pryor

RESOLVED, That the motion to contract Ken Van Hoelst, P.E. to provide design services for the CMAQ projects be **POSTPONED** until the Regular City Council Meeting scheduled for July 23, 2001.

Yes: All-7

E-13 First Amendment to the Grand/Sakwa Brownsfield Plan

Resolution #2001-07-333 (a) & (b) Moved by Pallotta Seconded by Schilling

(a) Resolution to Establish Public Hearing to Adopt the First Amendment to the Grand/Sakwa Properties, Inc. Brownfield Plan

RESOLVED, That the Troy City Council establish a Public Hearing on August 6, 2001 to adopt the First Amendment to the Grand/Sakwa Properties, Inc. Brownfield Plan under PA 381 of 1996, as originally approved on July 10, 2000 by the Troy City Council.

E-13 First Amendment to the Grand/Sakwa Brownsfield Plan - Continued

(b) Resolution to Establish a Public Hearing to Approve the Establishment of a Local Remediation Revolving Fund

RESOLVED, That the Troy City Council establish a Public Hearing on August 6, 2001 to approve the establishment of a Local Remediation Revolving Fund as provided in Public Act 381 of 1996.

Yes: Pryor, Beltramini, Kaszubski, Lambert, Pallotta, Schilling

No: Howrylak

MOTION CARRIED

REGULAR BUSINESS

F-1 Appointments to Boards and Committees: (a) Advisory Committee for Persons with Disabilities; (b) CATV Advisory Committee; (c) Civil Service Commission (Act 78); (d) Economic Development Corporation; (e) Historical Commission; (f) Liquor Committee; (g) Parks and Recreation Committee; (h) Planning Commission; (i) Traffic Committee; and (j) Troy Daze Committee

<u>Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting Agenda Scheduled for July 23, 2001:</u>

(a) Advisory Committee for Persons With Disabilities		Council Appointment
	Student Rep Term Expires 07-	01-2002
	Student Rep Term Expires 07-	01-2002
(b) CATV Advisory Committee		Council Appointment
	Student Rep Term Expires 07-	01-2002
(c) Civil Service Commission (Act	<u>78)</u>	Council Appointment
	Vacant Term Expires 04-30-20	02
(d) Economic Development Corporation Mayor, Council		Mayor, Council Approval
	Vacant Term Expires 04-30-20	03
Vacant Term Expires 04-30-2005 F-1 Appointments to Boards and Committees - Continued		
(e) <u>Historical Commission</u>		Council Appointment

	Student Rep Term Expires 07-01-2002	
(f) <u>Liquor Committee</u>		Council Appointment
	_ Student Rep Term Expires 07-01	-2002
(g) Parks and Recreation Comm	<u> iittee</u>	Council Appointment
	Student Rep Term Expires 07-01	-2002
(h) Planning Commission		Council Appointment
	Student Rep Term Expires 07-01	-2002
(i) Traffic Committee		Council Appointment
	Student Rep Term Expires 07-01	-2002
(j) Troy Daze Committee		Council Appointment
	_ Student Rep Term Expires 07-01	-2002
F-2 Closed Session – No S F-3 Bid Waiver: Extension	ession Requested of Contract – Printing of 2002 City	y Calendar
Resolution #2001-07-334 Moved by Schilling Seconded By Pallotta		
Calendar/Annual Report was aw for proposal process, University	9, a contract to provide printing of the varded to the highest scoring vendor Lithoprinters, (Resolution #99-448-lercised on August 21, 2000 (Resolution)	r as a result of the request E-19) with an option to
under the same contract terms a	ters has agreed to extend 2001 price and conditions. of Contract – Printing of 2002 City	

NOW, THEREFORE, BE IT RESOLVED, That bidding procedures are hereby waived and the contract with University Lithoprinters to provide printing services for the 2002 City of Troy

Calendar is hereby extended based upon the same pricing, terms and conditions to expire upon completion of the calendar in accordance with specifications.

Yes: All-7

F-4 Ordinance Waiver – Sign and Sale of Merchandise

Resolution #2001-07-335 Moved by Pallotta Seconded by Schilling

RESOLVED, That the request from Troy Youth Soccer League for temporary suspension of Chapter 78, Signs, of the Code of the City of Troy, to permit placement of sponsor banners at Firefighters Park, Boulan Park, and Jaycee Park, in conjunction with the 16th Annual Troy Soccer City Classic, from September 1-3, 2001 be approved; and

BE IT FURTHER RESOLVED, That temporary suspension of Chapter 28, Parks-General Regulations, is hereby approved to permit the sale of merchandise during the event.

Yes: All-7

F-5 Bid Waiver – Macomb County Criminal Justice Training Consortium Membership

Resolution #2001-07-336 Moved by Schilling Seconded by Howrylak

WHEREAS, Macomb Community College has provided the City of Troy Police Department with training at their Criminal Justice Training Facility; and

WHEREAS, It is desirable to continue re-certification of police officers in Emergency Vehicle Operations and utilize the state of the art Computerized Simulated Shooting Scenario System and Crime Lab;

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby waived, and a one-year contract is awarded with Macomb Community College to become a member of the Macomb County Criminal Justice Training Consortium at an annual fee of \$21,235.00.

Yes: All-7

F-6 Contract Ratification – Troy Fire Staff Officers Association

Resolution #2001-07-337 Moved by Pallotta Seconded by Schilling

RESOLVED, That a Collective Bargaining Agreement between the City of Troy and TFSOA for the period July 1, 2001 through June 30, 2006 is hereby ratified by the City Council of the City of Troy, the employer, and the Mayor and City Clerk are authorized to execute the final agreement, a copy of which shall be attached to the original Minutes of this meeting.

Yes: All-7

F-7 Use of City Property – Formerly 101 E. Square Lake Road/Krell Property – Sidwell #88-20-03-301-032

Suggested Resolution Resolution #2001-07-Moved by Pallotta Seconded by Schilling

RESOLVED, That the Real Estate and Development Department hire an independent fee appraiser to appraise the property having Sidwell #88-20-03-301-032 and enter into negotiations with adjoining property owner for the sale of this parcel.

Second Resolution to Amend Main Motion

Resolution #2001-07-338 Moved by Pryor Seconded by Pallotta

RESOLVED, To amend the resolution by requiring the petitioner to plant one-half the number of small trees and allow the City of Troy to erect a historical marker at the eastern edge of the subject property located at 90 and 110 E. Square Lake Road.

Yes: None No: All-7

MOTION FAILED

<u>First Resolution to Amend Main Motion</u>

Resolution #2001-07-339 Moved by Pryor Seconded by Howrylak

F-7 Use of City Property – Formerly 101 E. Square Lake Road/Krell Property – Sidwell #88-20-03-301-032 - Continued

RESOLVED, That the resolution be amended by adding verbiage indicating that the proceeds from the sale of the Krell property will be dedicated for the development of property on the south side of the church site located at 90 and 110 E. Square Lake Road.

Yes: All-7

Vote on Amended Main Motion

Resolution #2001-07-340 Moved by Pallotta Seconded by Schilling

RESOLVED, That the Real Estate and Development Department hire an independent fee appraiser to appraise the property having Sidwell #88-20-03-301-032 and enter into negotiations with adjoining property owner for the sale of this parcel; and

BE IT FURTHER RESOLVED, That the proceeds from the sale of the Krell property will be dedicated for the development of property on the south side of the church site located at 90 and 110 E. Square Lake Road.

Yes: Beltramini, Kaszubski, Pallotta, Schilling, Pryor

No: Howrylak, Lambert

MOTION CARRIED

RECESS: 9:16 PM - 9:33 PM

F-8 Voluntary General Storm Water Permit and Septic Systems

Resolution #2001-07-341 Moved by Pallotta Seconded by Lambert

WHEREAS, The City of Troy has applied for the Voluntary General Storm Water Permit from the Michigan Department of Environmental Quality (MDEQ) to help protect storm water quality in the Rouge River and Clinton River Watersheds; and

WHEREAS, The City of Troy has applied for the Voluntary General Storm Water Permit, which is necessary for the compliance with requirements of the Federal Clean Water Act; and

WHEREAS, The City of Troy has not received coverage for the Voluntary General Storm Water Permit because the MDEQ is enforcing the Clean Water Act by requiring a more pro-active approach to finding and eliminating failed septic systems; and

F-8 Voluntary General Storm Water Permit and Septic Systems - Continued

NOW, THEREFORE, BE IT RESOLVED, That the City Council directs the City Administration to continue in their efforts to obtain the Voluntary General Storm Water Permit by addressing the issue of pro-actively finding and eliminating failed septic systems within the City of Troy.

Yes: All-7

F-9 Approval of Purchase Agreement – Turowski-Long Lake, L.L.C. – Proposed I-75/Long Lake Interchange – Sidwell #88-20-09-451-014, 015, 016, & 017

Resolution #2001-07-342 Moved by Schilling Seconded by Pallotta

RESOLVED, That the agreement to purchase between Turowski-Long Lake, L.L.C., and the City of Troy, having Sidwell #88-20-09-451-014, 015, 016, and 017, for the acquisition of property for the proposed I-75/Long Lake Interchange, is hereby approved; and

BE IT FURTHER RESOLVED, That authorization is hereby granted to purchase property in the agreement referenced above in the amount of \$649,000.00, plus closing costs, a copy of which shall be attached to the original Minutes of this meeting.

Yes: All-7

F-10 Resolution for Mayor and Council's Attendance of the 103rd Annual MML Conference

(a) Resolution Authorizing Attendance of Mayor and City Council Members

Resolution #2001-07-343 (a) & (b) Moved by Pallotta Seconded by Schilling

RESOLVED, That pursuant to the Rules of Procedure of the City Council of the City of Troy, the City Council hereby approves the payment and use of City funds for transportation, registration, pre-conference workshops, food, and lodging for the Mayor and City Council Members to attend the Michigan Municipal League Annual Conference to be held in Battle Creek, Michigan, September 12 through 14, 2001, all in accordance with the accounting procedures of the City of Troy.

F-10 Resolution for Mayor and Council's Attendance of the 103rd Annual MML Conference - Continued

(b) Designation of Voting Delegates at Annual Meeting

RESOLVED, That Robin Beltramini is hereby designated as Voting Delegate and Martin Howrylak is hereby designated as the Alternate Voting Delegate to cast the vote of the City of Troy at the Annual Meeting of the Michigan Municipal League to be held September 12 through September 14, 2001 at Battle Creek, Michigan.

Yes: All-7

F-11 Skate Park Location

Suggested Resolution Resolution #2001-07-Moved by Seconded by

RESOLVED, That the City Council of the City of Troy approves the skate park location at the southwest corner of Livernois and Troy Town Center.

Resolution to Postpone

Resolution #2001-07-344 Moved by Kaszubski Seconded by Pryor

RESOLVED, To **POSTPONE** the proposed skate park location at the southwest corner of Livernois and Town Center until City Administration has developed the footprint for the site.

Yes: All-7

F-12 Study Session with Troy Daze Advisory Board

Resolution #2001-07-345 Moved by Pallotta Seconded by Howrylak

BE IT RESOLVED, That a study session is hereby established for August 6, 2001 at 6:30 p.m. prior to the Regular City Council Meeting to discuss the proposed mission statement as well as long-term goals and future needs for the festival.

Yes: All-7

F-13 Naming Troy Parks

Resolution #2001-07-346 Moved by Pallotta Seconded by Schilling

BE IT RESOLVED, That the policy for naming public parks and facilities was adopted by Council on June 2, 1986 by Resolution #86-559. With the passage of Bond Issue in April, 1999, there are a number of new parks as well as the new Community Center and future Section 1 golf course that will need names.

BE IT FURTHER RESOLVED, That we will promote to our residents the need for new names for our parks, community center, and golf course.

BE IT FINALLY RESOLVED, That Troy City Council will make a final decision as to the naming of new locations based on the criteria established with Resolution #86-559.

Yes: All-7

F-14 Salary Increase

Suggested Resolution

Resolution #2001-07-Moved by Pryor Seconded by Lambert

RESOLVED, That the compensation for Lori Grigg Bluhm, Acting City Attorney, shall be increased as of July 9, 2001 to \$77,833.00; and

BE IT FURTHER RESOLVED, That an evaluation for Lori Grigg Bluhm will be scheduled for Closed Session on August 20, 2001.

Resolution to Amend Main Motion

Resolution #2001-07-347 Moved by Kaszubski Seconded by Pryor

RESOLVED, That the salary increase for Lori Grigg Bluhm be amended to become effective retroactive to July 1, 2001.

Yes: All-7

F-14 Salary Increase - Continued

Vote on Amended Main Motion

Resolution #2001-07-348 Moved by Pryor Seconded by Lambert

RESOLVED, That the compensation for Lori Grigg Bluhm, Acting City Attorney, shall be increased as of July 1, 2001 to \$77,833.00; and

BE IT FURTHER RESOLVED, That an evaluation for Lori Grigg Bluhm will be scheduled for Closed Session on August 20, 2001.

Yes: All-7

F-15 Change to Chapter 2 of the City Code Relating to the Placement of Secondary Addresses

Suggested Resolution Resolution #2001- 07-Moved by Pallotta Seconded by Howrylak

RESOLVED, That an ordinance amendment to Section 7 of Chapter 2 is hereby adopted as recommended by the City Administration. A copy of this ordinance shall be attached to the original Minutes of this meeting.

Resolution to Amend Main Motion

Resolution #2001- 07-349 Moved by Lambert Seconded by Pryor

RESOLVED, That the ordinance amendment for Section 7 of Chapter 2 include additional verbiage to provide for vertical house numbering from top to bottom under Section 2, Subsection 7 (a).

Yes: Beltramini, Howrylak, Kaszubski, Lambert, Pallotta

No: Pallotta, Schilling

MOTION CARRIED

F-15 Change to Chapter 2 of the City Code Relating to the Placement of Secondary Addresses - Continued

Vote on Amended Main Motion

Resolution #2001- 07-350 Moved by Pallotta Seconded by Howrylak

RESOLVED, That an ordinance amendment to Section 7 of Chapter 2 is hereby adopted as recommended by the City Administration. A copy of this ordinance shall be attached to the original Minutes of this meeting; and

FURTHER RESOLVED, That the ordinance amendment for Section 7 of Chapter 2 include additional verbiage to provide for vertical house numbering from top to bottom under Section 2, Subsection 7 (a).

Yes: All-7

Suspend City Council Rules and Continue with Agenda

Resolution #2001-06-351 Moved by Pallotta Seconded by Howrylak

RESOLVED, That City Council suspend Rules of Procedure #21 and continue discussion on Agenda items to 12:00 AM.

Yes: All-7

F-16 Preliminary Plat-Tentative Approval – Oak Forest Subdivision (Revised) West Side of John R Road, South of Square Lake Road – Section 11

Suggested Resolution Resolution #2001-07-Moved by Seconded by

RESOLVED, That the Tentative Approval be granted to the Preliminary Plat of Oak Forest Subdivision, on the west side of John R Road, south of Square Lake Road in Section 11, subject to the City requesting a MDEQ Wetlands Permit public hearing.

F-16 Preliminary Plat-Tentative Approval – Oak Forest Subdivision (Revised) West Side of John R Road, South of Square Lake Road – Section 11 - Continued

Resolution to Postponed to July 23, 2001

Resolution #2001-07-352 Moved by Pryor Seconded by Pallotta

RESOLVED, That the Tentative Approval for the Preliminary Plat of Oak Forest Subdivision on the west side of John R Road, South of Square Lake Road in Section 11, subject to the City requesting a MDEQ Wetlands Permit public hearing be **POSTPONED** at the Regular City Council Meeting scheduled for July 23, 2001; and

BE IT FURTHER RESOLVED, That the petitioner voluntarily waives the 90-day requirement until the Regular City Council Meeting scheduled for July 23, 2001.

AII-7

F-17 Site Plan Review – Proposed Birchwood Estates Site Condominium – South Side of Wattles, West of Dequindre – Section 24

Resolution #2001-07-353 Moved by Pallotta Seconded by Schilling

RESOLVED, That the Preliminary Plan be approved as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of the One-Family Residential Site condominium known as Birchwood Estates on the south side of Wattles, west of Dequindre.

Yes: All-7

F-18 Seth E. Walker Company – Sidwell #88-20-20-376-003: (a) Request for Authorization to Make Unconditioned Offer to Purchase Property for Fire Station #3; (b) Request for Authorization for City Attorney to Institute Court Action of Necessary

<u>Authorization to Make Unconditioned Offer to Purchase Property for Fire Station</u>

Resolution #2001-07-354 Moved by Schilling Seconded by Pallotta

WHEREAS, In order to proceed on schedule with Fire Station #3 expansion, it is necessary for the City to obtain property from Seth E. Walker Company having Sidwell #88-20-20-376-003.

BE IT RESOLVED, That the Real Estate and Development Department is hereby authorized to make an unconditioned offer for \$1,625,000.00, the appraised value, plus closing costs.

Yes: All-7

<u>Authorization for City Attorney to Institute Court Action of Necessary</u>

Resolution #2001-07-355 Moved by Schilling Seconded by Pallotta

WHEREAS, In order to proceed on schedule with Fire Station #3 expansion, it is necessary for the City to obtain property from Seth E. Walker Company having Sidwell #88-20-20-376-003.

BE IT RESOLVED, That the City Attorney is hereby authorized, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Pryor, Beltramini, Kaszubski, Lambert, Pallotta, Schilling

No: Howrylak

MOTION CARRIED

Suspend City Council Rules and Continue with Agenda

Resolution #2001-06-356 Moved by Pallotta Seconded by Lambert

RESOLVED, That City Council suspend Rules of Procedure #21 and continue discussion on Agenda items to 12:30 AM.

Yes: Pryor, Beltramini, Howrylak, Kaszubski, Lambert, Pallotta

No: Schilling

MOTION CARRIED

F-19 Resolutions from Mayor Pryor

Suggested Resolution
Resolution #2001-07Moved by Pryor
Seconded by Pallotta

RESOLVED, That Troy's representative to SOCRRA shall make or support a motion to escrow \$3.5 Million of the monies generated from the sale of surplus land in Rochester Hills and vote accordingly; and

BE IT FURTHER RESOLVED, That Troy's representative to SOCRRA shall also make or support a motion to prevent SOCRRA from spending any monies on the development (other than completing the current clay "capping"), operation and/or maintenance of a golf course at the Rochester Hills site and vote accordingly.

Resolution to Amend Main Motion

Resolution #2001-07-357 Moved by Beltramini Seconded by Pryor

RESOLVED, That proceeds from the monies generated from the sale of surplus land in Rochester Hills be placed in escrow for a period no greater than six (6) months; and

BE IT FURTHER RESOLVED, That the verbiage "current clay capping" be stricken and replaced with the verbiage "closure of the land fill".

Yes: Howrylak, Kaszubski, Lambert, Pallotta, Pryor, Beltramini

No: Schilling

F-19 Resolutions from Mayor Pryor - Continued

Vote on Amended Main Motion

Resolution #2001-07-358 Moved by Pryor Seconded by Pallotta

RESOLVED, That Troy's representative to SOCRRA shall make or support a motion to escrow \$3.5 Million of the monies generated from the sale of surplus land in Rochester Hills for a period no greater than six (6) months and vote accordingly; and

BE IT FURTHER RESOLVED, That Troy's representative to SOCRRA shall also make or support a motion to prevent SOCRRA from spending any monies on the development (other than completing the closure of the land fill), operation and/or maintenance of a golf course at the Rochester Hills site and vote accordingly.

Yes: Howrylak, Kaszubski, Lambert, Pallotta, Pryor, Beltramini

No: Schilling

MOTION CARRIED

Council Member Schilling stated for the record that she objects strenuously to adding these items at the end of the meeting when they have not had a chance to go over items that have been Troy items because they have these lengthy items come up.

Suspend City Council Rules and Continue with Agenda

Resolution #2001-07-359 Moved by Howrylak Seconded by Pallotta

RESOLVED, That City Council suspend Rules of Procedure #21 and continue discussion on Agenda items to 12:45 AM.

Yes: Lambert, Pallotta, Pryor, Beltramini, Howrylak, Kaszubski

No: Schilling

MOTION CARRIED

Council Member Schilling left the meeting at 12:33 A.M.

F-19 Resolutions from Mayor Pryor - Continued

Resolution #2001-07-360 (b) & (c) Moved by Pryor Seconded by Howrylak

(b) Proposed Resolution B

RESOLVED, That Troy's representative to SOCRRA shall also make or support a motion directing SOCRRA to include in its upcoming bid process a request for prices based on diminished volume (should a community or communities leave SOCRRA).

(c) Proposed Resolution C

RESOLVED, That SOCRRA determine an exit option for communities with an equitable method for determining liabilities as well as refund of equity beyond those needed to cover liabilities.

Yes: Kaszubski, Lambert, Pryor, Howrylak

No: Pallotta, Beltramini

Absent: Schilling

MOTION CARRIED

COUNCIL COMMENTS/REFERRALS

Redistricting of Oakland County Commissioner Districts

Resolution #2001-07-361 Moved by Pallotta Seconded by Howrylak

RESOLVED, That City Council directs the City Administration to discontinue the expenditure of any additional funds for the purpose of filing an Amicus Brief on behalf of the City of Troy in regard to the redistricting of Oakland County Commissioner Districts.

Yes: Pallotta, Beltramini, Howrylak, Kaszubski, Lambert

No: Pryor Absent: Schilling

MOTION CARRIED

Scheduling of a Public Hearing for the Proposed Wetland and Natural Features Ordinance

Resolution #2001-07-362 Moved by Kaszubski Seconded by Pallotta

RESOLVED, That City Council will assume the responsibility of scheduling a public hearing for the proposed Wetland and Natural Features Ordinance at the Regular City Council Meeting scheduled for September 24, 2001.

Yes: Beltramini, Kaszubski, Pallotta No: Pryor, Howrylak, Lambert

Absent: Schilling

MOTION FAILED

VISITORS - Carried over to the July 23, 2001 Regular City Council Meeting

REPORTS AND COMMUNICATIONS - Carried over to the July 23, 2001 Regular City Council Meeting

G-1 City of Troy Proclamations:

Resolution #2001-07-Moved by Seconded by

RESOLVED, That the following City of Troy Proclamations, be approved:

- (a) Parks and Recreation Month Month of July
- (b) Service Commendation Larry Keisling

Yes: No:

Item Carried Over to Next Agenda

G-2 Minutes – Boards and Committees:

- (a) Advisory Committee for Senior Citizens/Final May 3, 2001
- (b) Employees' Retirement System Board of Trustees/Final May 9, 2001
- (c) Library Advisory Board/Final May 10, 2001
- (d) Board of Zoning Appeals/Final May 15, 2001
- (e) Planning Commission Special Study Meeting/Final May 22, 2001
- (f) Troy Daze/Final May 22, 2001
- (g) Advisory Committee for Person with Disabilities/Draft June 6, 2001
- (h) Planning Commission/Final June 12, 2001
- (i) Employees' Retirement System Board of Trustees /Draft June 13, 2001
- (i) Board of Zoning Appeals/Draft June 19, 2001
- (k) Library Advisory Board/Draft June 21, 2001
- (I) Historical Commission/Draft June 26, 2001

Item Carried Over to Next Agenda

G-3 Department Reports:

G-4 Announcement of Public Hearings:

- (a) Proposed Rezoning North Side of Long Lake, West of Livernois Section 9 R-1B (One Family Residential) to R-1T (One Family Attached Residential Scheduled for Regular City Council Meeting on July 23, 2001
- (b) Proposed Rezoning North Side of Big Beaver, West of John R Section 23 R-1E (One Family Residential) and P-1 (Vehicular Parking) to O-1 (Low-Rise Office) and E-P (Environmental Protection District) Scheduled for Regular City Council Meeting on July 23,2001

Item Carried Over to Next Agenda

G-5 Proposed Proclamations/Resolutions from Other Organizations:

G-6 Letters of Appreciation:

- (a) Memorandum from Police Chief Craft to City Manager Szerlag, Re: Certificate of Appreciation from Oakland County Probation
- (b) Letter from Gary Peer, Ph.D., Central Michigan University, Re: Robert Wolfe's Master of Science Degree
- (c) Letter from Renee Gucciardo to Captain Slater, Re: Officer Joseph Mairorano's Outstanding Service

G-6 Letters of Appreciation – Continued

- (d) Letter from Tom Sawyer, Jr., to Mr. Need, Re: Thank You
- (e) Certificate of Accomplishment from the Institute of Transportation Engineers Awarded to John K. Abraham
- (f) Letter from Dorothy Meerschaert to Department of Public Works, Re: The Efficient Manner in Which DPW Staff has Maintained Their Street While it Has Been Under Construction

Item Carried Over to Next Agenda

G-7 Letters of Resignation from Boards and Committees:

- (a) Gary A. Sirotti Act 78 Commission
- (b) Nelson Ritner Economic Development Corporation

Item Carried Over to Next Agenda

G-8 Agenda Visitor Information System

Item Carried Over to Next Agenda

G-9 Resolution of Drainage Problem South of Peacock Farm on Rochester Road, Section 10

Item Carried Over to Next Agenda

G-10 Citizen Comments on Red Light Enforcement Cameras

Item Carried Over to Next Agenda

G-11 Recommendation of Civic Center Site

Item Carried Over to Next Agenda

G-12 Troy Executive Aviation

Item Carried Over to Next Agenda

G-13 Resolution of Drainage Ditch Problem on Harris Street, West of Rochester Road, in Connection with Section 22 & 23 Water Main Project

Item Carried Over to Next Agenda

G-14 Federal Storm Water Regulations

Item Carried Over to Next Agenda

G-15 Project Status Report

Item Carried Over to Next Agenda

G-16	Troy Fire Department – 1999 Annual Report and 2000 Annual Report		
	Item Carried Over to Next Agenda		
G-17	7 Levels of Approval for Platted and Unplatted Residential Developments		
	Item Carried Over to Next Agenda		
G-18	B Update of Chapter 16 Solid Municipal Waste and Recycling Ordinance		
	Item Carried Over to Next Agenda		
G-19	1 5 5		
	Item Carried Over to Next Agenda		
G-20	20 Darrah v Oak Park, City of Troy, Officer Russ Bragg		
	Item Carried Over to Next Agenda		
The m	neeting adjourned at 12:45 P.M.		
1116 11	neeting adjourned at 12.45 F.M.		
	Matt Pryor, Mayor		
	Tonni L. Bartholomew, City Clerk		

A Special Meeting of the Troy City Council was held at the Somerset Inn – 2601 W. Big Beaver Road – Troy, MI 48084 on Tuesday, July 10, 2001. Mayor Pryor called the Meeting to order at 11:15 P.M.

ROLL CALL

PRESENT: Mayor Matt Pryor

Robin E. Beltramini Martin F. Howrylak David A. Lambert Anthony N. Pallotta

ABSENT: Thomas S. Kaszubski

Louise E. Schilling

ALSO PRESENT

John Szerlag Walt Storrs
Tonni L. Bartholomew James Starr
Lori Grigg Bluhm Wayne Wright
Doug Smith Gary Chamberlain

Cindy Stewart Jim Reece
Mark Miller Victor Lenivov
Ernie Rebschke David Walls
Carol Price Clarke Maxson

Artec Consultants Inc. - Presentation

Artec Consultants Inc., 114 W 26th St – New York, NY 10001-6812, gave a presentation on parameters for developing a Performing Arts Center.

The meeting adjourned at 12:41 P.M.

Matt Pryor, Mayor	
Tonni L. Bartholomew, City Clerk	

Certificate of Recognition

This certificate is awarded to

Sergeant Michael Kerr

In recognition of winning the National Pistol Championship (Police Sharpshooter Division) as well as being a member of the Detroit Sportman's Congress Team that won the National Team Championship in the Marksman Division at Camp Perry Ohio. Over 1,000 shooters from around the country competed in this five-day event. To win the overall title, Sgt. Kerr made it through a preliminary event consisting of shooting 3 different caliber pistols in 3 different sequences of slow fire, timed fire and rapid fire over distances of 25 and 50 yards on an outdoor range. Your recognition is a credit to yourself, your family, the Troy Police Department, and the City of Troy.

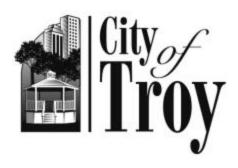
CITY OF TROY

500 W. BIG BEAVER

TROY, MI 48084



	July 23, 2001
Matt Pryor, Mayor	Date



July 18, 2001

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: LORI GRIGG BLUHM, ACTING CITY ATTORNEY

RE: PROPOSED AMENDMENT TO ALLOW NEXTEL CELL TOWER

As you are aware, the attorney representing Nextel Communications has requested an amendment to the consent judgment governing Northfield Commons, which would allow for the placement of a cell tower on the property. Nextel has formalized negotiations with the property owner, Northfield Commons (David Nelson), and apparently a settlement has been reached between these two parties.

Under Troy's ordinances, a cell tower would not be permitted in the proposed location. However, an amendment to the consent judgment could allow for placement of a cell tower on the property. In addition, a consent judgment could also be amended to include other ordinance requirements for a cell tower. These include but are not limited to the requirement for a monopole design (vs. a lattice design); a color requirement of either sky gray or bronze or other appropriate color; a requirement for shielding, similar to a street light design; and a requirement to use construction materials that are similar to major buildings on site or in the area (masonry). In addition, the Troy ordinances require that all cell towers provide for a minimum of three communications service providers, and also provide a financial guarantee to assure removal of the facilities when abandoned or no longer in use.

Nextel has submitted a site plan, which is included in this packet. The Planning Department has reviewed the proposed site plans, but has some concerns that would need to be addressed prior to a subsequent submission to City Council. A copy of a memo from Mark Miller (Interim Planning Director) is attached for review. One of the major concerns deals with the proposed location, which is listed on the Northfield Commons Site Plan as wetlands, and is required by the consent judgment to be consistent with Environmental Protection (E-P) zoning.

If Council chooses to amend the consent judgment, then a revised site plan would necessarily be returned to City Council for approval with the proposed consent judgment amendment. City Council also has an option to refer the proposed site plan to the Planning Commission for their review and recommendation. A third option is to deny the request. Three alternative resolutions have been forwarded.

If you have any questions concerning the above, please let me know.

July 18, 2001

TO: Lori Bluhm, Acting City Attorney

FROM: Mark F. Miller, Interim Planning Director

SUBJECT: Northfield Commons/Cellular Tower

The Planning Department reviewed the first site plan submitted for the proposed cellular/personal communication tower on parcel "A" of the Northfield Commons site. Two consent agreements control the land uses on the subject property and were referenced in the analysis. The following comments address the proposed tower:

- 1. The 1993 consent agreement dictated that parcel "A" is to be controlled by the Environmental Protection Zoning District requirements, Section 8.00.00 of Chapter 39, the Zoning Ordinance. These requirements do not permit improvements such as the proposed tower.
- 2. The site appears to contain wetlands, information regarding the impact on the wetlands should be submitted.
- 3. A tree preservation plan should be submitted to document impact on existing vegetation.
- 4. A 24 ft. driveway should be provided.
- 5. Building elevations should be provided on the site plan and indicate a brick faced building similar to other Northfield Commons buildings.
- 6. The owner must provide financial guaranties to assure removal of the facilities.
- 7. Additional detail should be provided concerning the tower, such as color and type of antenna. Consideration should be given to an antenna that is masked to blend into the landscape, such as a streetlight, fake tree or other means.
- 8. The tower shall be designed to allow a total of three (3) co-location of antennas.
- 9. One (1) parking space is required for each antenna.
- 10. The site should be surrounded by a vinyl clad chain linked fence.
- 11. A landscape plan should be submitted and indicate at least two (2) greenbelt trees and other landscaped areas.

In the correspondence from Bryan Monaghan the attorney for Nextel, it was noted that a final site plan was being prepared. However, the submitted site plan is clearly inadequate and does not meet ten of the City's standard requirements for cellular towers. The proposed location within an Environmental Protection District achieves the opposite intent of the 1993 consent agreement governing the land uses on the subject property. If a cellular tower was constructed on the subject property, it would change the open space characteristics and potentially destroy natural features within the Environmental Protection District. Based upon the insufficient site plan and negative impacts on the Environmental Protection District, the Planning Department Staff recommends that the proposed amendment to the consent judgment be denied by City Council.

CC: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
File/CJ-23
File/Z-101
Correspondence

SCHNELZ, WELLS, MONAGHAN & WELLS

PHOFESSIONAL CORPORATION

ATTORNEYS AT LAW PARK PLAZA

255 SOUTH OLD WOODWARD, SUITE 200 BIRMINGHAM, MICHIGAN 48009

> TELEPHONE (248) 258-7074 TELEFAX (248) 258-7084 E-MAIL bmonaghan@swmwlaw.com

DETROIT OFFICE 150 W. JEFFERSON AVE., STE. 100 DETROIT, MI 48226 TELEPHONE (313) 596-6666

July 10, 2001

HAND DELIVERY

Lori Grigg Bluhm 500 W. Big Beaver Road Troy, MI 48084

Re:

Nextel Communications

Proposal for Cellular Tower at Northfield Commons

Dear Lori:

BOWAN MONAGHAN

NED ORITTED IN OHIO

Attached for your review and distribution are eighteen (18) copies of Nextel's preliminary site drawing for the above-referenced proposal. These drawings are not complete in regard to all the information required to file for plan review, but are offered so as to clearly show where the proposed facility would be located. Of course, we are working on completing the finalized site plans and will provide them to the City as soon as they are available.

Please contact me at your convenience to confirm whether Nextel will be included on the City Council's agenda for July 23, 2001.

Very truly yours,

Bryan Monaghan Bryan Monaghan

BM:lal **Enclosures**

cc:

Mr. Tom McMahon Randall C. Reeves, Esq. Todd H. Wells, Esq.

LAW OFFICES

DYKEMA GOSSETT

PROFESSIONAL LIMITED LIABILITY COMPANY

39577 WOODWARD AVENUE, SUITE 300

BLOOMFIELD HILLS, MICHIGAN 48304-2820

TELEPHONE (248) 203-0700 FACSIMILE (248) 203-0763 WWW.DYKEMA.COM GRAND RAPIDS, MICHIGAN LANSING, MICHIGAN WASHINGTON, DC

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ANN ARBOR, MICHIGAN

CHICAGO, ILLINOIS
DETROIT, MICHIGAN

DIRECT DIAL: (248) 203-0749 E-MAIL: AFISHKIND@DYKEMA.COM

July 13, 2001

VIA FACSIMILE AND FEDERAL EXPRESS

Mr. Timothy K. Kroninger President, Cresent Ridge/Parc Subdivision Homeowner Association c/o Equity Management Inc. 201 Big Beaver Road, Suite 1101 Troy, MI 48084

Re: Northfield Commons Shopping Center

Dear Mr. Kroninger:

Please be advised that our firm represents Northfield Commons Associates L.L.C., the owner of the Northfield Commons Shopping Center, Nelson Properties and Mr. David Nelson. All further correspondence from you to any of my clients must be addressed to me at the address above.

Mr. Nelson has advised me that you represent, and have organized, a group of concerned neighbors which oppose the placement of a cellular tower (the "Tower") on the Northfield Commons property. To date none of my clients have made a decision concerning the propriety of locating such a facility on its property, let alone entered into any lease or other contract to permit the placement of the Tower on the Northfield Commons property. On its own accord, Nextel Communications ("Nextel") requested that the City of Troy consider the proposed placement of the Tower on its agenda. At this time, my client has still not expressed any opinion as to the placement of the Tower. That said, Northfield Commons is privately owned property and, if the Tower is permitted to be located on the Northfield Commons property by the City of Troy, my clients will proceed in any manner they deem to be in their best interest.

While we respect you and your clients' right to voice objections to Nextel's proposed placement of the Tower, the proper persons for you and your clients to voice these objections to are the City of Troy officials and the representatives of Nextel. You and your clients do not have the right to interfere with the lawful operation of the Northfield Commons Shopping Center, by



Mr. Timothy K. Kroninger July 13, 2001 Page 2

picketing, boycotting, threatening interference with the operations of the Shopping Center or its tenants, or otherwise.

Any such interference will constitute tortious interference with contract and the business of the Shopping Center. Further, be advised that entry upon the Northfield Commons property for the purpose of picketing or disseminating information concerning this issue constitutes an unlawful trespass to property. Moreover, Mr. Nelson has advised me that you and your clients have entered into the Northfield Commons' tenants' places of business to disseminate information and/or misinformation with respect to my clients' involvement with the Tower. Be advised that to the extent these statements are untrue and are attributed to my clients, they constitute slander as well as unlawful interference with the owner's business relationship with its tenants.

All of you and your clients' torts are actionable. Should you and your clients' continue these unlawful actions after receipt of this letter, we will be forced to take formal legal action. If you find any of this letter unclear, please feel free to contact me.

Very truly yours,

DYKEMA GOSSETTPLLO

Adam M. Fishkind

cc: David

David R. Nelson

Lori Grigg Bluhm (City of Troy)

VTroy City Council

Randall Reeves (Nextel Communications)

Tenants of Northfield Commons

Communications Received From Residents Regarding Agenda Item

C-1	Request for Placement of a Fr Tower – Nextel Communication PUBLIC HEARING	
	Oppose	Support
1)	Lisa Kuczeski	
2)	Andrea Hypnar	
3)	Sun Muok Kang	
4)	Ann Lipanski	
5)	Dave & Carol Steibel	
6)	Roger Carlson	
7)	Roula Adie	
8)	Maun Jamal	
9)	Dennis M. Lynch	
10)	Arlene Franttera	
11)	Judy Thul	
12)	Marilyn & Gordon Henry	
13)	Richard L. Bell	
14)	Daniel H. Popplestone	
15)	Timothy K. Kroninger	
16)	Peter Christopher	
17)	Diane C. Rzepecki	
18)	James F. Cichy	
19)	Souad Merim	
20)	Imad Ayyar, MD	
21)	Kathleen E. Brunner	
22)	Robert J. Brunner	
23)	Chester R. Oben	
	Phyllis A. Hudeck	
25)	Youngsoon Chung	
26)	Joseph A. Brault	
27)	Nancy Marsack	
28)	Thomas R. Fairgrieve	
29)	Dr. Joe Goslin	
30)	Linda Goslin	
31)	Bill & Laurie Petrusha	
32)	Rick & Kathi Bell	
33)	Louis & Jackie Paull	
34)	Charlene & Jeff Angell	
35)	John M. Behan	
36)	Mohammed Saniq	
37)	Karen Bluhm	
38)	Frank Farziola	
39)	Walt Balinski	
40)	Stephen &Marilyn Kaye	
41)	Marion Bugin	

Communications Received From Residents Regarding Agenda Item

C-1 Request for Placement of a Free Standing Communications Tower – Nextel Communications – CONTINUANCE OF PUBLIC HEARING		
	Oppose	Support
42)	Pad Gonda	
43)	Frank Jiang	
44)	Dave Hanes	
45)	Scott Griffin	
46)	Mary Jo Griffin	
47)	Sharon Eccles	
48)	Thomas J. Leslie	
49)	Luciano P. Novacco	
50)	Jacqueline D. Novacco	
51)	Julie Novacco	
52)	Lingchin Chou	
53)	David Wilt	
54)	Kim Wilt	
55)	Rhonda Morin	
56)	Mark Morin	
57)	Robert C. Dennis	
58)	Jon Kieveshal	
59)	Wafa Killu	
60)	Suzanne Sharkey	

July 16, 2001

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager

Gary Shripka, Assistant City Manager/Services

Mark F. Miller, Interim Planning Director

Subject: PROPOSED REZONING - North of Long Lake Road, West of Livernois -

Section 9 - R-1B to R-1T

In March of this year, the City Council took action to rezone a series of parcels totaling Approximately 5.5 acres in area, and having 710 ft. of frontage on the north side of Long Lake Road west of Livernois Road from R-1B (One-Family Residential) to R-1T (One-Family Attached Residential) in order to enable construction of the proposed Harrington Park Condominium Development. A Site Plan for this development was approved by the Planning Commission on April 10, 2001, and the City Council has now adopted a Resolution authorizing vacation of the Virgilia Street right-of-way that lies in the midst of the site, in order to enable final consolidation of the site.

A 10 ft. by 100 ft. parcel of land included in the Preliminary Site Plan was not included in the developer's original rezoning request that occurred in March of 2001. The Master Land Use Plan indicates Medium-Density Residential use in the Long Lake Road frontage extending west from the Community Service Area at the Long Lake-Livernois intersection to I-75. Construction is now in progress on the three acre R-1T zoned parcel immediately to the east of the proposed development. This consolidation of R-1T Zoning District areas will permit the potential future construction of a cul-de-sac on the unimproved Virgilia Avenue.

It is the recommendation of City Management that this R-1T request be granted, as it is consistent with intent of the Master Land Use Plan and compatible with surrounding land uses.

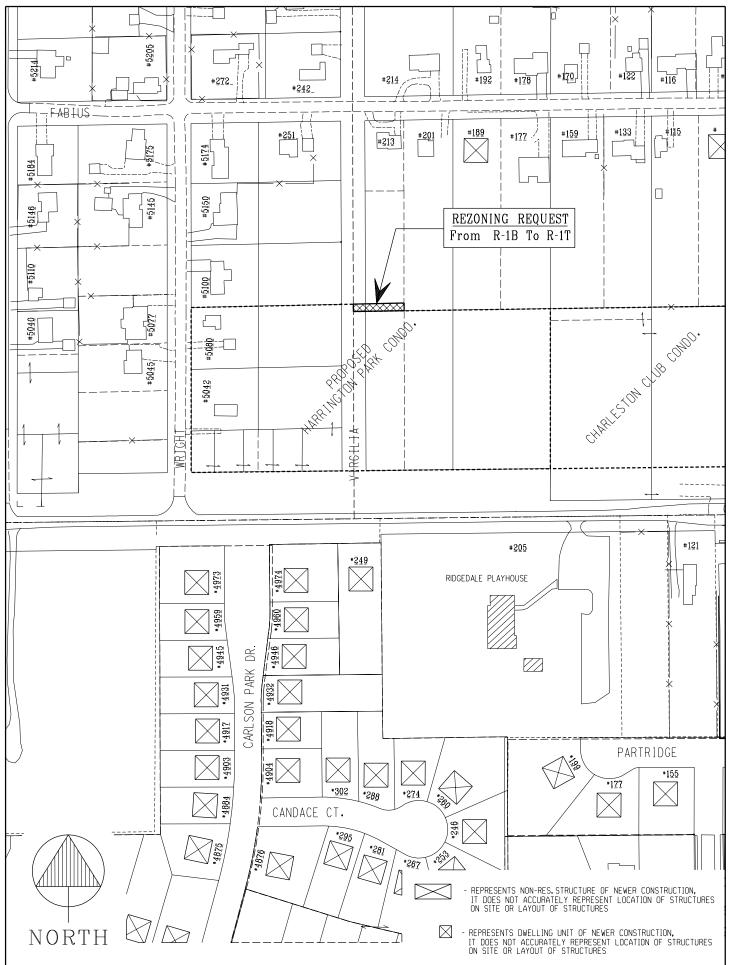
The Planning Commission conducted a Public hearing at their June 12, 2001 meeting. There were no residents opposing the rezoning request. The Planning Commission adopted a resolution recommending approval of this rezoning request.

Cc: Mark Stimac, Director of Building and Rezoning Douglas Smith, Real Estate and Development Director Tonni Bartholomew, City Clerk

File/Z-670

File/Correspondence

MPM/dav





9. <u>PUBLIC HEARING – PROPOSED REZONING</u> – North of Long Lake Road, West of Livernois – Section 9 – R-1B to R-1T

Mr. Miller explained that, in March of this year, the City Council took action to rezone parcels totaling approximately 5.5 acres in area on the north side of Long Lake Road west of Livernois from R-1B to R-1T in order to enable construction of the proposed Harrington Park Condominium Development. A Site Plan for that development was approved by the Planning Commission on April 10, 2001, and the City Council has now adopted a resolution authorizing the vacation of the Virgilia Street right-of-way which lies in the midst of the site, in order to enable final consolidation of the site. In the course of detail review of the various matters regarding this site, it was recognized that the depth of the site lying east of the Virgilia Street right-of-way was ten feet less then that portion of the site lying to the west. In conjunction with the requested street vacation. Mr. Maniaci, the developer, has acquired a 100-foot deep portion of the R-1B zoned lot lying north of the present R-1T site, on the east side of the Virgilia Street right-of-way, in order to provide for the potential future construction of a cul-desac street ending in that area. This acquisition also potentially enabled addition of a 10-foot by 125-foot strip of land to the Condominium Site, at such time as that parcel would be rezoned to the R-1T classification. The resultant north-south dimension of the site in this immediate area will thus be the same as the site depth in the area west of Virgilia.

Mr. Miller stated that Mr. Maniaci has now requested rezoning of a 10-foot by 100-foot parcel on the north edge of his site from R-1B to R-1T, so that the parcel can be added to the Harrington Park Condominium site. When the vacation of the Virgilia right-of-way is completed, the east-west dimension of this parcel will be expanded to 125 feet. The Planning Department sees no problem with the addition of this small parcel to the potential Harrington Park Condominium site. Approval of this rezoning request was therefore recommended. The Pubic Hearing was declared open.

Joseph Maniaci, the petitioner, was present and had no further comment.

No one else wished to be heard.

The Public Hearing was declared closed.

Moved by Littman

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the R-1B to R-1T rezoning of a 10-foot by 100-foot parcel lying north of Long Lake Road and west of Livernois, abutting the R-1T zoned site of the proposed Harrington Park Condominium Development, be granted as such rezoning will enable a reasonable minor expansion of the residential condominium site.

Yeas: All Present (9)
MOTION CARRIED

Absent: None



July 16, 2001

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager

Gary Shripka, Assistant City Manager/Services

Mark F. Miller, Interim Planning Director

Subject: PROPOSED REZONING - North of Big Beaver, West of John R Road -

Section 23 - R-1E and P-1

to O-1 and E-P

A request has been submitted by the San Marino Club, for the rezoning of the present P-1 zoned portion of their site, and a portion of the R-1E zoned area, to the O-1 (Low-rise Office) classification and E-P (Environmental Protection) classification. The E-P district area was recommended by the Planning Department and Planning Commission. San Marino representatives agreed to the E-P district at the June 12, 2001 Planning Commission Meeting. The San Marino Club building itself lies within the present O-1 zoned portion of the site which has approximately 404 feet of frontage on Big Beaver Road. The present P-1 zoned area extends 124 feet north of the O-1 boundary. The R-1E zoned land proposed for rezoning extends 255 feet still further to the north. The petitioner's intention is to have their proposed north O-1/R-1E boundary in line with the B-2/R-EC boundary of the Troy Sports Center Site abutting the east. This request is submitted in order to enable further improvement of the building and facilities which have been established in the present R-1E zoned area.

In 1981 the San Marino Club received Special Use Approval in order to establish an outdoor recreation area on the northerly 6-acre R-1E zoned portion of their property. The only building proposed at that time was a 3,000-square foot picnic shelter. That building was constructed and other improvements were subsequently approved and constructed on the site. The owners have requested the rezoning to increase their club area and to expand the existing building in the future.

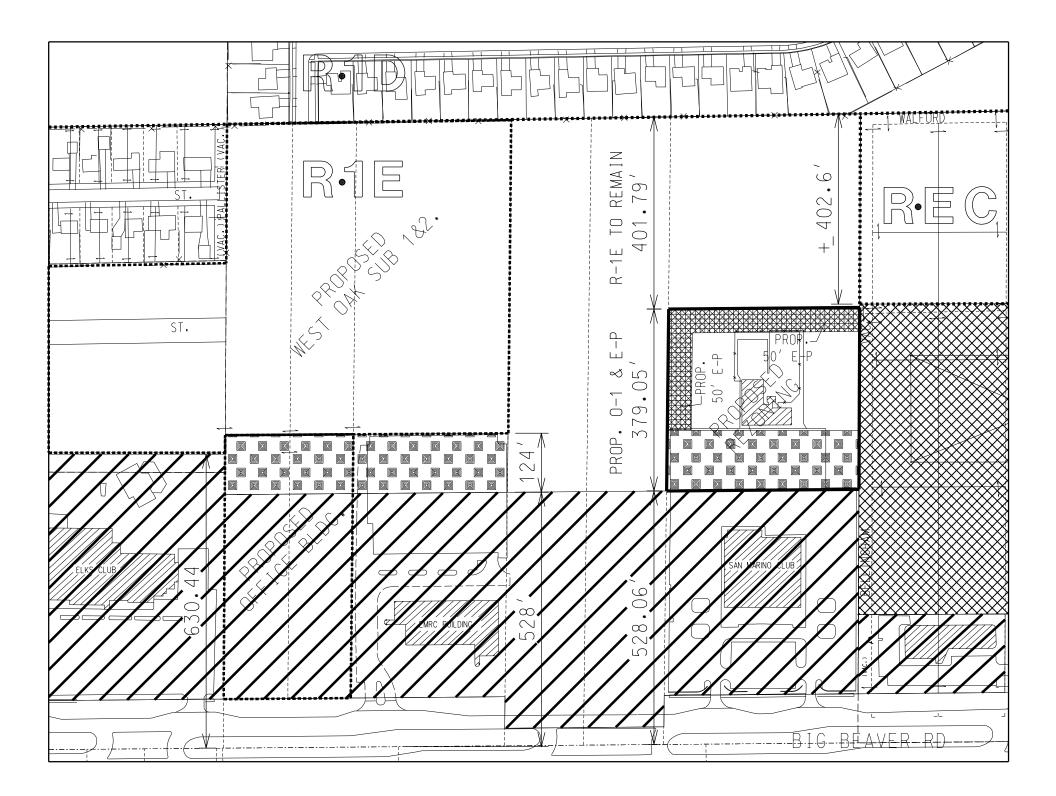
The area remaining to the north of the subject property is fully developable for Single-Family Residential purposes, even considering the oil pipeline which runs diagonally through the site. If the subject property is to be rezoned, there is no reason why the area involved should extend any further north than the north boundary of the B-2 zoned site to the east. City Management's position that, consistent with the approach taken in recent years when additional non-residential zoning has been applied, it would be reasonable to establish E-P (Environmental Protection) zoning on the northernmost and westernmost 50 foot portions of the R-1E zoned area proposed for O-1 zoning.

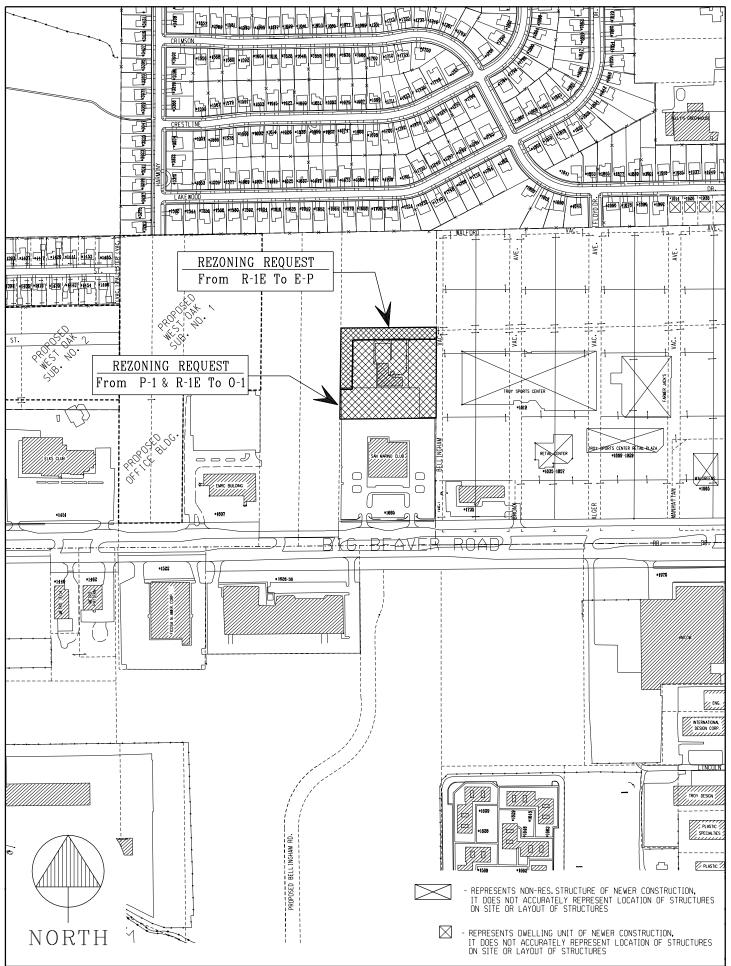
The proposed rezoning request is consistent with the intent of the Master Land Use Plan and is compatible with surrounding land uses. It is the recommendation of City Management to approve the O-1 (Low-Rise Office) and E-P (Environmental Protection) rezoning request.

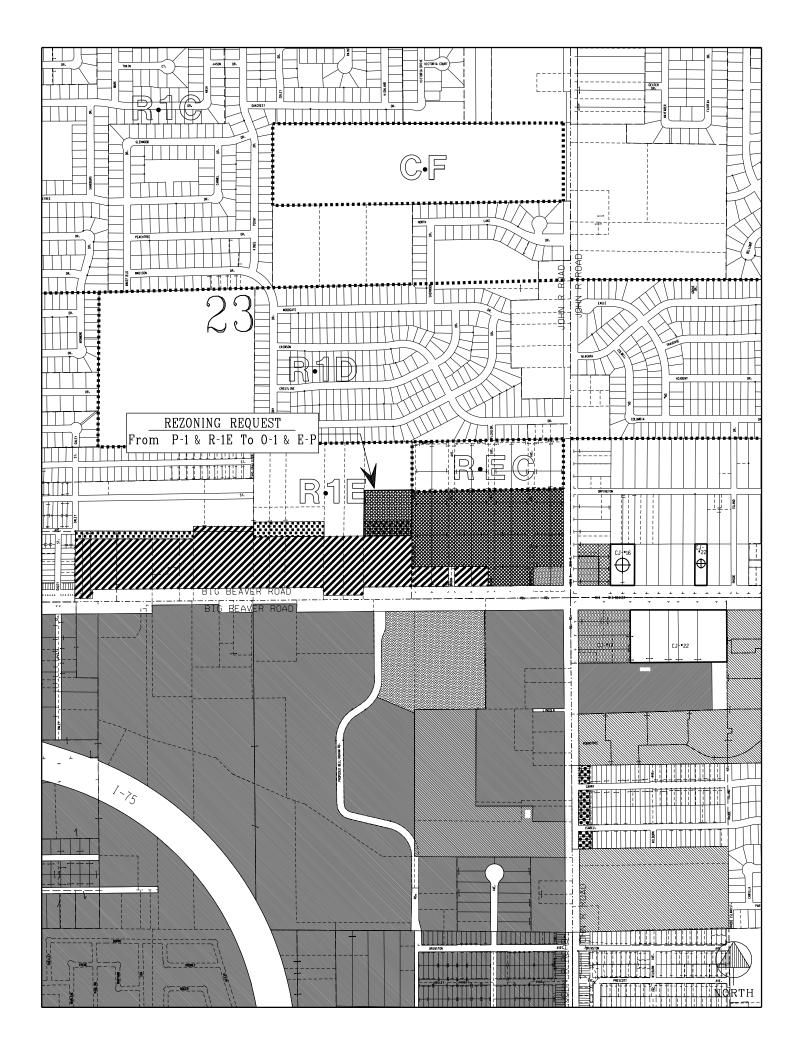
At their June 12, 2001 regular meeting, the Planning Commission recommended approval of the O-1 request. In addition, the Planning Commission recommended that the northerly extent of the request be in line with the B-2/R-EC boundary immediately to the east. Further, their recommendation included applying the E-P Zoning to the northern and western 50 feet portions of the subject rezoning request. The action was taken with the understanding that the proposed E-P area will permit the continuance of outdoor recreation activities in accordance with the Zoning Ordinance.

Cc: Mark Stimac, Director of Building and Rezoning
Douglas Smith, Real Estate and Development Director
Tonni Bartholomew, City Clerk
File/Z-670
File/Correspondence

MPM/dav







10. <u>PUBLIC HEARING – PROPOSED REZONING</u> – North of Big Beaver, West of John R. – Section 23 – R-1E and P-1 to O-1

Mr. Miller explained that a request has been submitted, by the San Marino Club, for the rezoning of the present P-1 zoned portion of their site and a portion of the R-1E zoned area still further to the north, to the O-1 (Low-Rise Office) classification. The San Marino Club building itself lies within the present O-1 zoned portion of the site which has approximately 404 feet of frontage on Big Beaver Road. The present P-1 zoned area extends 124 feet north of the O-1 boundary. The R-1E zoned land proposed for rezoning extends 255 feet still further to the north. It was Mr. Miller's understanding that it was the petitioner's intention to have their proposed north O-1/R-1E boundary in line with the B-2/R-EC boundary of the Troy Sports Center Site abutting to the east. Initial investigation indicates that their proposed rezoning area extends approximately ten feet further north than the B-2 zoning boundary to the east. This request is submitted in order to enable further improvement of the building and facilities which have been established in the present R-1E zoned area.

As background, Mr. Miller noted that in 1981, San Marino Club received Special Use Approval in order to establish an outdoor recreation area on the northerly 6-acre R-1E zoned portion of their property. The only building proposed at that time was a 3,000-square foot picnic shelter. That building was constructed, and was subsequently enclosed and expanded without the necessary additional approvals.

It was his understanding that this building is now used as the Clubhouse or meeting facility for the San Marino Club members. The owners have been advised that, if they wish to continue this use or expand the building any further, rezoning will be necessary.

Mr. Miller stated that, in the course of staff review of this request, it was noted that the area remaining to the north is fully developable for Single-Family Residential purposes, even considering the oil pipeline which runs diagonally through the site. If the subject property is to be rezoned, there is no reason why the area involved should extend any further north than the north boundary of the B-2 zoned site to the east. It was further staff's position that, consistent with the approach taken in recent years when additional non-residential zoning has been applied, it would be reasonable to establish E-P (Environmental Protection) zoning on the northernmost and westernmost 50 foot portions of the R-1E zoned area proposed for O-1 zoning.

Mr. Waller asked why the proposed E-P area was not extended further south along the west edge of the P-1 zoned portion of the San Marino Site. Mr. Miller explained that it is expected that P-1 zoning will, at some time in the future, be extended further east across the north edge of the vacant O-1 zoned site immediately west of the San Marino property. Mr. Storrs expressed concern about the realistic potential for additional residential development of the area to the north which is proposed to remain R-1E.

The Public Hearing was declared open.

Bruno Casadei was present representing the San Marino Club. He confirmed that conversations with Mark Stimac of the Building Department indicated that their northerly building is presently non-conforming and that it would be necessary to rezone the property now under consideration in order to enable the present uses of the building to continue and to enable any expansion of that building. In relation to the area still further to the north, he noted that the San Marino Club has maintained that area as a soccer field for many years, as a service both to their members and to the community. In response to a question from the

Commission, he further stated that they would have no objection to reducing the northerly limit of the area requested for rezoning so that it will be in line with the B-2 boundary to the east. The proposed E-P zoning would also be acceptable, as long as they could use that area as a portion of their active recreation area.

No one else wished to be heard.

The Public Hearing was declared closed.

In response to Mr. Waller's question, it was indicated that the staff had not discussed the proposed E-P zoning with the petitioners. He was concerned about that lack of communication.

Moved by Kramer

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the rezoning of a 3.5-acre portion of the San Marino Club Site in the area north of Big Beaver and west of John R Road, from R-1E and P-1 to O-1, in order to enable continuation and expansion of facilities and activities in this area, be approved with the following modifications:

- 1. Reduce the northerly extent of area proposed for rezoning by approximately ten feet in order to place it in line with the B-2/R-EC boundary immediately to the east.
- 2. Apply E-P Zoning to the northernmost and westernmost 50-foot portions of the resultant area proposed for R-1E to O-1 Rezoning.

This action is taken with the understanding that the proposed E-P area will still be able to be used for active recreation purposes, in accordance with the Zoning Ordinance provisions.

Yeas: Chamberlain

Nays: Storrs

Absent: None

Kramer Littman Pennington Reece Starr Waller Wright

MOTION CARRIED

Mr. Storrs stated that his nay vote was due to his opinion that this request resulted in too much O-1 zoning depth, and that there would not be enough land left for meaningful residential development.

REC'D

JUN 0 7 2001

PLANNING DEPT.

June 5, 2001

City of Troy Planning Commission 500 W. Big Beaver Road Troy, MI 48083

Re: June 12th Meeting

San Marino Club Rezoning

I will not be able to attend Tuesday's meeting. I'm against any land development that would be behind my property, that includes an office building or residential homes.

Please keep the property as is.

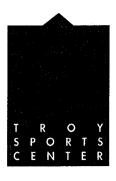
Also, opposed to any type of development that would possibly cause more traffic on my street – Lakewood.

Thank you,

Mary K. Fouchey

1676 Lakewood Drive

Troy, MI 48083



June 8, 2001

Tonni Bartholomew City of Troy 500 W. Big Beaver Road Troy, Michigan 48084

Dear Tonni Bartholomew:

I would like to express my support for the rezoning of the San Marino Club property. As a neighboring business to the San Marino Club, I offer full support in the rezoning from, One Family Residential and Vehicular Parking to Low Rise Office.

I can be contacted at the following number, if there is any thing I can do to help assure the rezoning of the above-mentioned property.

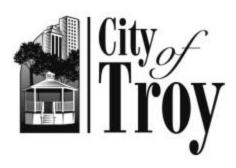
Troy Sports Center

248-689-6600 Ext. 14

Sincerely,

Daniel A. Rea Senior Vice President





July 18, 2001

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: LORI GRIGG BLUHM, ACTING CITY ATTORNEY

RE: FISHER V. TROY- PROPOSED CONSENT JUDGMENT

The City of Troy has received an offer to settle the lawsuit from Thomas and Cynthia Fisher. Although not technically required, a public hearing has been administratively scheduled, since the proposal involves a consent judgment, which would allow the property at the southeast corner of John R. Road and Orpington Road to be developed in a manner consistent with O-1 (office) and E-P (environmental protection) zoning. A final pre-trial in this matter has been set for July 31, 2001, and therefore direction from City Council is requested at this City Council meeting.

The subject property is currently zoned R1-E, and has been the subject of two previous, unsuccessful re-zoning requests. In 1996, the Fisher's requested B3 zoning, which was recommended for denial by the Troy Planning Commission, and ultimately denied by the Troy City Council. (Minutes attached) In response to the denied re-zoning, the Fishers filed a lawsuit, where the R-1E zoning was upheld as reasonable, and the lawsuit dismissed.

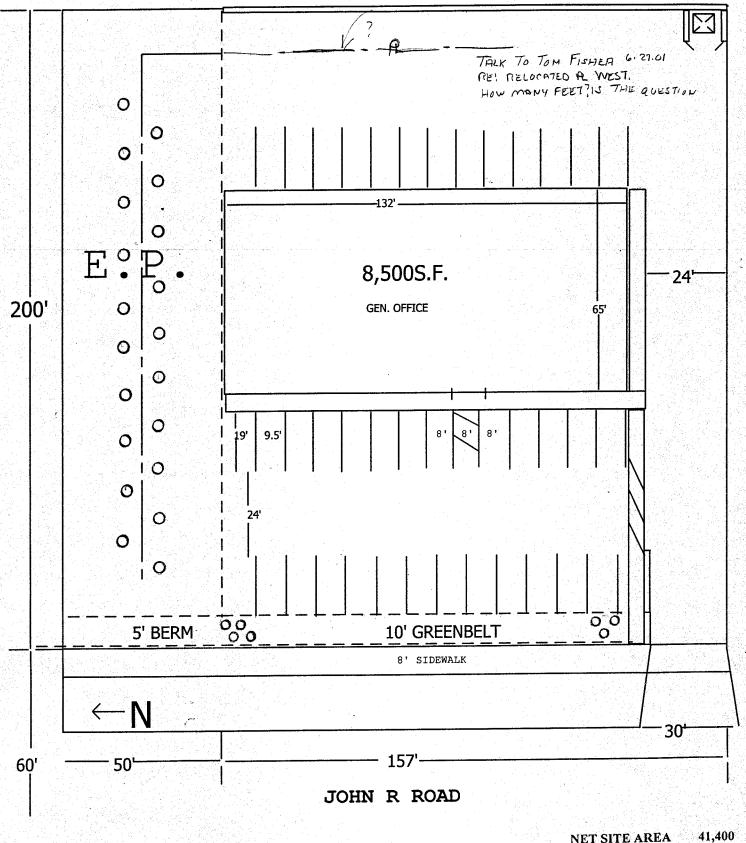
The Fishers then sought to have the property re-zoned to O-1 in 1999. This second requested re-zoning was rejected by the Planning Commission (5-3 vote) and the City Council. (Minutes attached). The Fishers then filed this pending lawsuit against the City. The City unsuccessfully filed a Motion for Dismissal in this second case, arguing that *res judicata* and/or *collateral estoppel* precluded this second lawsuit. However, Oakland County Circuit Court Judge Gene Schnelz, denied the motion for summary disposition, and the Fishers now have a second chance to litigate the reasonableness of the current R-1E zoning classification of the property.

In light of the ruling of Judge Schnelz, and also the risks inherent in litigation, it is prudent to consider the Fisher's proposal to enter into a consent judgment to conclude this litigation. Consent judgments are an attractive alternative, since they provide the City with an avenue for imposing reasonable restrictions upon a development.

In this case, the Fishers have agreed to include in the consent judgment certain restrictions proposed by Troy. They are willing to limit the office building to one story, although O-1 zoning would permit up to three stories. The Fishers have also agreed to limit the maximum footage of the office building to 8,500 square feet., which is less than the permitted area under the O-1 zoning provisions. At Troy's request, the Fishers have agreed to orient the building towards John R. Road, rather than Orpington Drive, as would be required under the current zoning ordinances. In addition, the Fishers have agreed to have one driveway to the building, which would be located at the south edge of the development. Perhaps most importantly, the petitioners are willing to have a 50 foot buffer on the north end of the property, which would be consistent with E-P (environmental zoning). This buffer is anticipated to include a 5-foot sloped berm, with adequate screening from the Orpington residences.

If Council decides to settle this matter with a consent judgment, where at a minimum all of the above requirements are included, then the actual consent judgment and site plan would be submitted to City Council for approval at a future date.

If you have any questions concerning the above, please let me know.



NET SITE AREA 41,400
Parking

Provided 39

Required 34

Landscaping

Provided 27 Trees 9,500 Required 27 Trees 4,140

Proposed Schematic Design 4/01.

Resolution #99-343 Moved by Pallotta Seconded by Schilling

BE IT RESOLVED, that the request for the rezoning of a 0.95 acre parcel at the southeast corner of John R and Orpington, from R-1E to O-1 (Office Building) *OR* R-1E to O-I and E-P, be **DENIED** as recommended by the Planning Commission.

Yes:

All-7

2,999

June 17, 1999

TO:

The Honorable Mayor and City Council

FROM:

James C. Bacon, Jr., City Manager

John Szerlag, Assistant City Manager-Laurence G. Keisling, Planning Director

SUBJECT:

PROPOSED REZONING - Southeast Comer of John R and Orpington -

Section 24 – R-1E to O-1 or R-1E to O-1 and E-P (Z-642)

A request has been submitted for the rezoning of a parcel at the southeast corner of John R Road and Orpington Street, from R1-E to O-1 (Office Building). The parcel requested for rezoning has 207 feet of frontage on John R and 200 feet of frontage on Orpington. The sketch site plan submitted with this request indicates the construction of an 8,000 square foot single-story office building on this parcel, which is 0.95 acres in area.

The petitioners and property owners submitted a previous request for B-1 rezoning of this parcel in 1996. The staff at that time suggested an alternative rezoning direction involving O-1 and E-P zoning, but the petitioner was opposed to that alternative at that time. The Planning Commission recommended denial of that rezoning request, and that position was concurred in by the City Council. A lawsuit followed, and following a trial in the Oakland County Circuit Court, the City's position opposing rezoning was upheld.

The Planning Commission's Public Hearing on the present rezoning request was held in conjunction with their Regular Meeting of June 8, 1999. The staff at that time recommended the alternative of rezoning the northerly 50 foot portion of the petitioner's property to the E-P (Environmental Protection) classification, similar to the approach recommended in 1996. Mr. Fisher, the petitioner, indicated his support for that alternative rezoning direction and noted the sketch site plan which he had prepared including the potential E-P zoned area. The enclosed excerpt from the Planning Commission's June 8, 1999 meeting minutes indicates the other matters discussed at that time, including the opposition expressed by some of the adjacent residents. Also enclosed are letters of opposition received in relation to this proposal. While appropriate at this location, the majority felt that a residential zoning and development, approach would be preferable. The Commission, therefore, recommended denial of this rezoning request.

A Public Hearing has been set on this matter for the City Council's Regular Meeting of July 19, 1999. The advertisement for that Public Hearing includes both the O-1, and the O-1 and E-P rezoning alternatives.

/eh

copies:

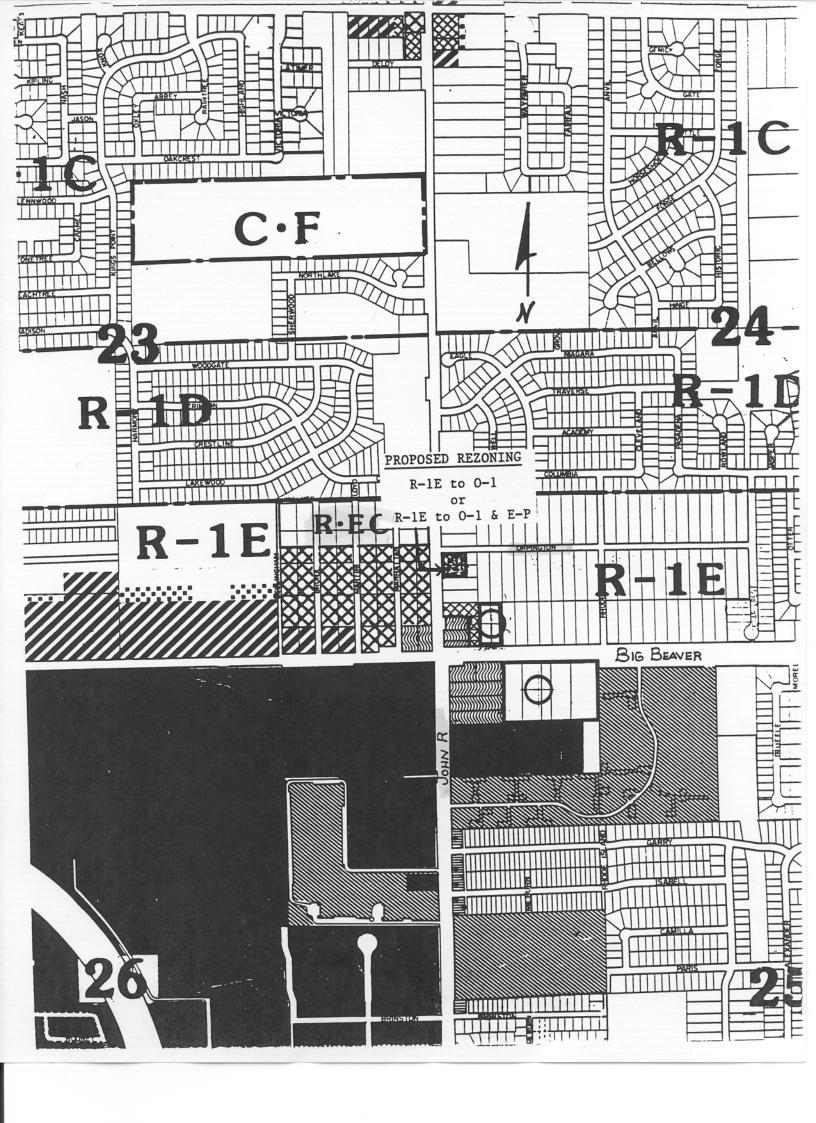
John Martin, City Attorney

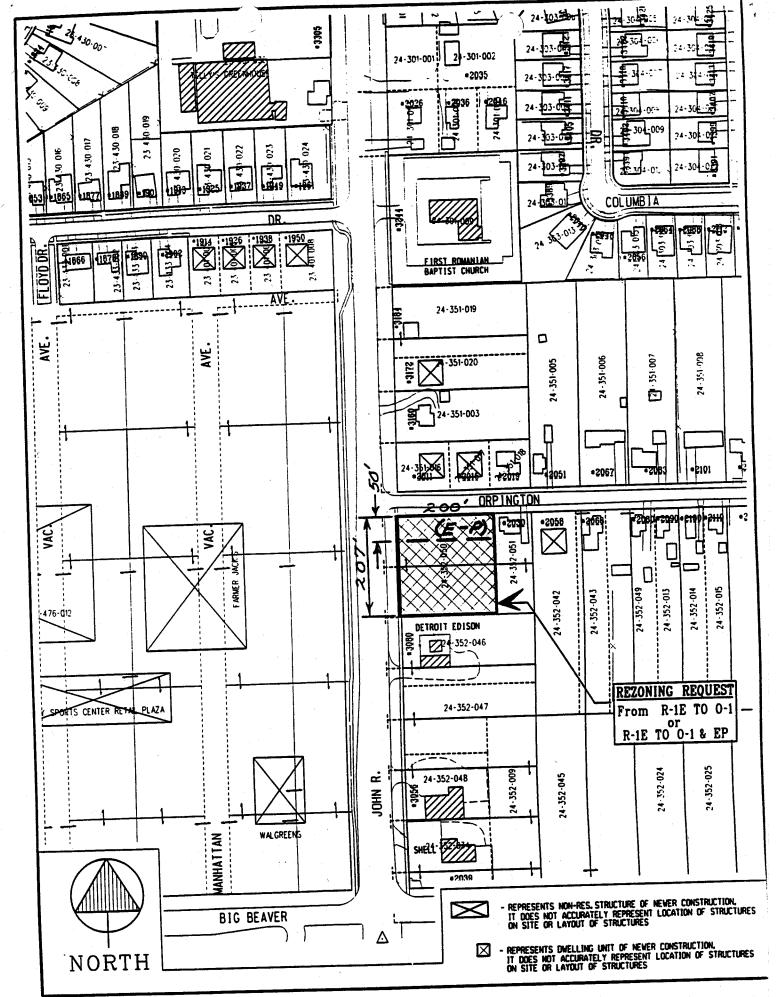
Lori Grigg Bluhm, Assistant City Attorney
Gary Shripka, Director of Building and Zoning

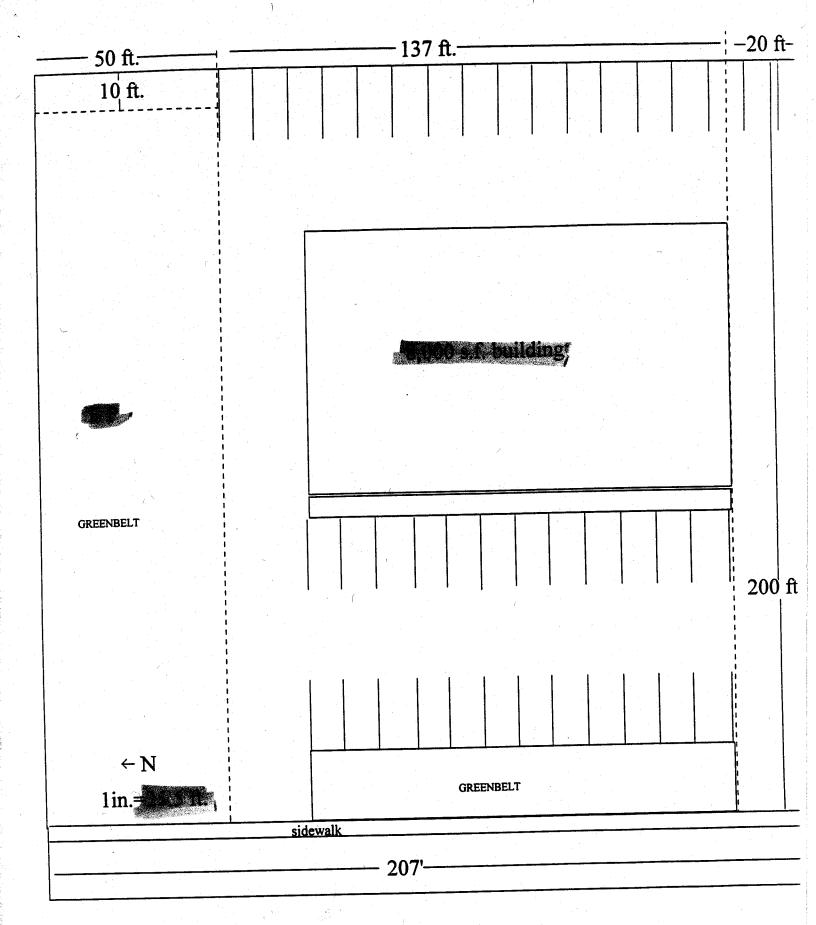
Tamara Renshaw, City Clerk

Denied by City Council,

C1







JOHN R ROAD

Roid 6-1-99

11. PUBLIC HEARING - PROPOSED REZONING - Southeast Corner of John R and Orpington – Section 24 – R-1E to O-1 or R-1E to O-1 and E-P (Z-642)

Mr. Keisling explained that a request has been submitted for the rezoning of a parcel at the southeast corner of John R Road and Orpington Street, from R-1E to O-1 (Office Building). The parcel requested for rezoning has 207 feet of frontage on John R and 200 feet of frontage on Orpington. The sketch site plan submitted with this request indicates the construction of an 8,000 square foot office building on this parcel, which is 0.95 acres in area.

Mr. Keisling noted that the petitioners and property owners submitted a previous request for B-1 rezoning of this parcel in 1996. The staff at that time had proposed an alternative involving O-1 and E-P rezoning, with the E-P area involving the north 50 feet of the site along the Orpington Street frontage. The petitioners were opposed to the O-1 and E-P alternative at that time. The Commission ultimately took action to were opposed to the O-1 and E-P alternative at that time. The Commission ultimately took action to recommend no rezoning at this location, and that position was concurred in by the City Council. A lawsuit followed, and following a trial in the Oakland County Circuit Court, the City's position opposing rezoning was upheld.

Mr. Keisling explained that the advertisement for this Public Hearing has included the alternative of rezoning the northerly 50 foot portion of the subject property to the E-P classification. Such an approach would take into consideration the existing residences on the north side of Orpington opposite the petitioner's property, and would bring about a situation somewhat similar to the Livernois-Olympia intersection area south of I-75, where E-P zoning was used at the edge of an office development at the northwest comer of Livernois and Olympia to present the existing residences across Olympia, It is the opinion of the Planning Department that the O-1 and E-P pattern would represent a reasonable alternative zoning pattern in this area, which would take into consideration the substantial commercial development on the west side of John R, while also having minimum impact on the adjacent residential properties.

Although the petitioners were not originally supportive of the E-P rezoning alternative, Mr. Fisher has now indicated his support for same, and has included the potential E-P area in his preliminary site plan sketch.

In response to Mr. Littman's question, Mr. Keisling stated that no Master Plan or zoning changes are contemplated in the area extending north from Orpington Street. In response to Mrs. Beltramini's question, Mr. Keisling noted that Orpington will connect to Cedar Crest once the homes in the Cedar Crest area are completed. Mr. Chamberlain noted that this site is somewhat similar to the parcel at the southwest corner of John R and Long Lake, which had been designated for office use through a Consent Judgment, but is now being developed commercially because the property owners stated that they could not attract office tenants! He did not want the same thing to occur at this location.

Thomas Fisher, part owner and petitioner, was present. He felt that the proposed office and E-P zoning would be a good transition between the adjacent commercial and residential areas. The driveway entrance to the site would be located at the south side of the property, away from Orpington and from the residential property. He noted that 5,500 vehicles per day enter the drive opposite Orpington Street. The SEV on his homesite and the adjacent land has increased 44% since the Troy Sports Center was opened. In response to Mr. Storrs' question, he stated that he has two potential office users lined up, but could not commit at this time. In response to Mr. Waller's question, Mr. Fisher stated that he had contacted the School District, and they will discontinue the bus stop at Orpington and John R once Orpington is opened to Cedar Crest.

The Public Hearing was declared open.

Mr. Storrs noted the 12 letters of opposition received from Orpington Street residents.

Shanadha Subramanian of 2011 Orpington was opposed to the rezoning. She was concerned about the safety of the many small children that reside on the street and the potential loss in her property value. There are no sidewalks on Orpington. She was concerned that if the office zoning wasn't used, a 7-11 may appear.

P/C-8:09

Ken Bricker of 2015 Orpington, also directly across from the site, was also opposed to the rezoning. He was concerned about noise and security problems, and additional traffic. He asked if there would be a wall at the edge of the E-P area, or just a parking lot.

No one else wished to be heard.

The Public Hearing was declared closed.

In response to Mr. Walter's question and request, Mr. Keisling noted the preliminary site sketch prepared by the petitioner. He explained that there is a basic landscaped berm requirement included in the E-P District provisions for land use buffers. That standard, or an alternative landscaped screening improvement, can be accepted by the Planning Commission in conjunction with Site Plan Approval. No screenwall would be required in a situation such as this where the E-P area is along a street frontage. Mrs. Beltramini confirmed with Mr. Fisher that he would continue to live in his home immediately east of the site. Mr. Littman felt that the site represented a poor single-family residential location, and that it could be developed nicely as an office site. Mr. Starr noted the homes constructed on the north side of Orpington in recent years. These were, however, constructed before the commercial rezoning action on the west side of John R. Mr. Wright noted that, although he might not personally choose to live in a home on a major road, many very substantial homes are now being constructed on major road frontage parcels. Mr. Chamberlain noted the two lots east of the Merchant of Vino on Wattles east of Rochester, on which large homes have been constructed. The saltic density for an office building would be much higher than that generated by two-three homes.

Mr. Fisher stated that he had contacted the builder of the four new homes on Crimson immediately west of John R, but he was not interested in the Fisher site. He was also unable to locate someone who would build a cluster-housing development at this location. He noted that the Farmer Jack's store across John R is open 24 hours a day.

In response to Mr. Kramer's question, Mr. Keisling stated that, under cluster zoning, four units would probably be the maximum capable of construction at this location. Mr. Starr stated that he was not convinced that rezoning was necessary. Mrs. Beltramini commented that she did not feel that a change to a non-residential classification should be considered until all creative residential alternatives had been investigated.

Moved by Starr

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the rezoning of a **B.95** acre parcellat the southeast comer of John R and Orpington, from R-1E to O-1, or from R-1E to O-1 and E-P be denigd, as such rezoning is not necessary in order to enable reasonable development of the subject property which would be compatible with development in the adjacent area.

Yeas: Starr, Wright, Chamberlain Beltramini, Kramer MOTION CARRIED Nays: Littman, Storrs, Waller

Absent: Reece

Mr. Littman stated that his nay vote was due to his opinion that O-1 zoning would be a reasonable classification at this location, which would enable the petitioner to sell or develop his property. Mr. Storrs stated that his nay vote was due to his opinion that the combined O-1 and E-P zoning pattern would be reasonable, due to the development across John R. Mr. Waller concurred and felt that the O-1 and E-P approach would be a reasonable solution.

P/C 99

3. PROPOSED REZONING - East Side of John R, South of Orpington - Section 24 - R-1E to B-1 (or O-1 and E-P) (Z-642)

Mr. Keisling explained that action was tabled for further study on this matter, following a Public Hearing at the June 11 Regular Meeting. The matter was initiated by a request for the rezoning of a parcel at the southeast corner of John R Road and Orpington from R-1E to B-1 (Local Business). The parcel requested for rezoning has 207 feet of frontage on John R and 200 feet of frontage on Orpington. Although the Planning Department recommended denial of the original rezoning request, they felt that it would be reasonable to consider an alternative zoning pattern, taking into consideration the impact of the revised zoning pattern and the potential development pattern in the northwest quadrant of the Big Beaver-John R intersection area. The advertisement for the June 11 Public Hearing also provided for an opportunity to consider the potential application of O-1 and E-P zoning on the petitioner's property, and O-1 zoning on the Detroit Edison site extending south to the existing B-1 zoned area. The proposed E-P area would be 50 feet in depth along the Orpington street frontage, and would enable the placement of the greenbelt buffer in that area to protect the residents on the north side of Orpington, in much the same manner as has been used at and adjacent to the northwest corner of Livernois and Olympia in order to protect the residents on the south side of Olympia.

The Commission noted that the potential alternative zoning patterns in this area had been further discussed at the July 2 Study Meeting. Several of the Commission members at that time expressed the opinion that no rezoning at all was necessary in this area. Mr. Keisling noted that it continued to be the opinion of the Planning Department that the alternative O-1 and E-P pattern would be reasonable, and could be applied at this time.

Tom Ryan, attorney for the Mr. and Mrs. Fisher, the petitioners, was present. He stated that he had not received any notice of the Commission's July 2, 1996 Study Meeting. He further explained that, under their preliminary development approach, there would be no driveway from Orpington to the proposed commercial site. He noted the many small office buildings in the City, and stated that he and his clients preferred a "convenience center" for the local residents. Mr. Starr expressed concern about Mr. Ryan's suggested plan, which indicated two additional curb cuts on John R. He felt that such a situation would create significant traffic problems. He noted that the petitioner's property would accommodate two additional home sites fronting on Orpington Street. Mr. Wright concurred with Mr. Starr, and stated that an excessive amount of commercial zoning had already been applied on the west side of John R. In response to Mr. Storrs' question, Mr. Keisling stated that there are several vacancies in small commercial centers throughout the City. It was his understanding that the office vacancy is now 10% or less, and that the great majority of the previous vacant space occurred in a few large buildings.

Moved by Lepp

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that no action is necessary as to the zoning pattern on the east side of John R extending south from Orpington Street to the present B-1 zoned area.

Yeas:

Thompson, Lepp, Wright

Chamberlain, Starr, Kramer

Nays: Storrs

Absent: Reece, Waller

MOTION CARRIED

Mr. Storrs indicated that his nay vote was due to his opinion that O-1 zoning with an E-P buffer was a good ultimate solution for this site, considering the commercial zoning across John R, and the fact that there is not an over-supply of small office sites available.

8\c, 996

8. <u>PUBLIC HEARING - PROPOSED REZONING</u> - East Side of John R, South of Orpington - Section 24 - R-1E to B-1 (or O-1 and E-P) (z-642)

Mr. Keisling explained that this matter was initiated by a request for the rezoning of a parcel at the southeast corner of John R Road and Orpington Street from R-1E to B-1 (Local Business). The parcel requested for rezoning has 207 feet of frontage on John R and 200 feet of frontage on Orpington. The rezoning petition indicated no particular proposed use, although the sketch plan submitted indicated the construction of an 8,400 square foot commercial building. It was Mr. Keisling's presumption that this request was submitted in recognition of the B-2 zoning which was applied on the west side of John R in this area in order to enable the proposed sports arena and retail development.

Mr. Keisling stated that the Master Land Use Plan indicates "Local Service Areas" in the northeast, southeast and northwest quadrants of the Big Beaver-John R intersection area. Before the time of the expansion of B-2 zoning in the northwest quadrant, it was the opinion of the Planning Department that the commercial zoning and development already in place in all three of these quadrants fulfilled the objectives of the Master Land Use Plan. With the application of the additional B-2 zoning in the northwest quadrant, it is even clearer that there is no need for any additional commercial/retail zoning and development in this area. It was, therefore, the Planning Department's recommendation that the original request for rezoning, from R-1E to B-1, be denied.

Mr. Keisling explained that, in the course of considering this request, the Planning Department felt that it would be necessary to consider the impact of the revised zoning pattern in the northwest quadrant, and the pending development in that area, on the easterly John R Road frontage south of Orpington. In this regard, the Planning Department looked at the existing development pattern, and at the existing ownership pattern in this area. On this basis, the advertisement for this Public Hearing, included the potential application of an alternative zoning pattern in the area extending south from Orpington to the B-1 zoned parcels at and adjacent to the northeast corner of Big Beaver and John R. The land between the petitioner's property and the present B-1 zoning is owned by Detroit Edison. The northerly portion of this property contains a sub-station. The alternative zoning approach available for consideration would include the application of O-1 zoning to the R-1E zoned portion of the Detroit Edison property, and the potential application of O-1 zoning to the petitioner's property, with the exception of the northernmost 50 feet along Orpington, which would be zoned in the E-P (Environmental Protection) classification. The E-P portion of this proposal takes into consideration the existing residences on the north side of Orpington opposite the petitioner's property, and would bring about a situation somewhat similar to the Livernois-Olympia intersection area south of I-75, where E-P zoning was used at the edge of an office development at the northwest corner of Livernois and Olympia to protect the existing residences across Olympia. Mr. Keisling noted that he had not had an opportunity to discuss the alternative zoning pattern with the petitioner's representatives, or with other property owners in the area.

Thomas Ryan, attorney, was present on behalf of Mr. and Mrs. Fisher, the petitioners. He felt that O-1 zoning would be inappropriate in this area, as development under that classification would not be "local serving". He felt that the requested B-1 classification would relate well to the B-2 zoning in the area to the west. He explained that the Fisher's have owned this property, and their abutting home site, for 18 years. He was concerned that, if 50 feet of the property was designated E-P, they would lose the use of 25% of their property.

The Public Hearing was declared open.

Laura Bloor of 2110 Orpington was present and was opposed to any rezoning of the property. She did not feel that either rezoning action would benefit the City in any way. She noted that there is a large number of children on Orpington, and that they may be endangered through business development at the John R-Orpington corner.

Randy Cleghorn of 2067 Orpington also opposed the rezoning. He wanted the area to remain residential. The proposed rezoning would be less than 200 feet from his lot, and he did not feel that "Local Business" would be of any benefit to the area residents. He further noted that Orpington is a dead-end street, with access only from John R.

Colleen Bean of 3617 Sandburg, president of the Raintree Homeowners Association, also expressed concern about the safety of children in the area, noting that Orpington at John R is a school bus stop. She commented on the past

PC 96



and present extent of commercial zoning on the west side of John R, and expressed concern about the four vacant parcels on the south side of Crimson west of John R. She felt that those parcels must remain residentially-zoned. Evonne Solis of 1866 Crimson stated that she also opposed the requested rezoning for safety reasons.

Mr. Ryan stated that his clients would not propose that the potential development on their property have driveway access to Orpington, as they were also concerned about safety.

Mr. Chamberlain noted the letter of objection that had been received from the residents at 2058 Orpington.

No one else wished to be heard.

The Public Hearing was declared closed

Mr. Chamberlain felt that no change in zoning is necessary. Mr. Starr felt that more study of this area is necessary, before the Commission makes a recommendation on a zoning pattern. He was also concerned about any development involving additional curb cuts on John R. Mr. Reece also felt that more study was necessary, in order to develop proper background for action by the Commission.

Moved by Waller

Seconded by Reece

RESOLVED, that action on proposals for the rezoning of property at and adjacent to the southeast corner of John R and Orpington, from R-1E to B-1 (or R-1E to O-1 and E-P) be tabled to the July 9, 1996 Regular Meeting, for further study.

Yeas:

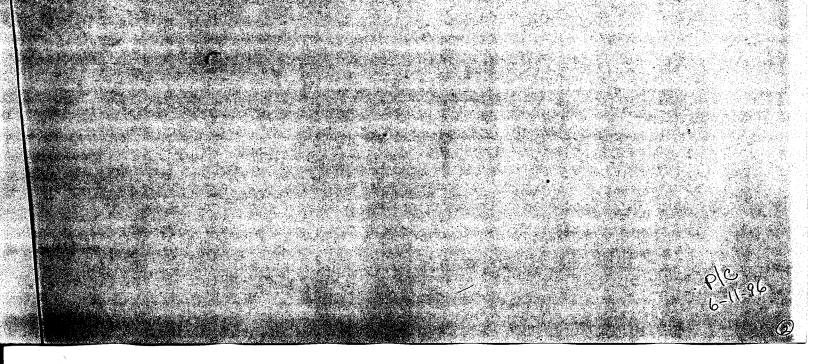
Waller, Reece, Chamberlain

Thompson, Starr, Storrs, Kramer

Nays: Lepp Absent: Wright

MOTION CARRIED

Mr. Lepp stated that his nay vote was due to his opinion that a vote could be taken on this matter at this time, as he saw no purpose for further study, and no reason to rezone.



RECEIVED

TO:

James C. Bacon, Jr., City Manager

FROM:

Laurence G. Keisling, Planning Director

CITY WALLAGER'S UFFICE

SUBJECT:

PROPOSED REZONING - East Side of John R, South of Orpington -

Section 24 - R-1E to B-1 (or O-1 and E-P) (Z-642)

This matter was initiated by a request for the rezoning of a parcel at the southeast corner of John R Road and Orpington Street from R-1E to B-1 (Local Business). The parcel requested for rezoning has 207 feet of frontage on John R and 200 feet of frontage on Orpington. The rezoning petition indicated no particular proposed use, although the sketch plan submitted indicated the construction of an 8,400 square foot commercial building. This request was presumably submitted in recognition of the B-2 zoning which was applied on the west side of John R in this area in order to enable the proposed sports arena and retail development.

The Master Land Use Plan indicates "Local Services Areas" in the northeast, southeast and the northwest quadrants of the Big Beaver-John R intersection area. Before the time of expansion of B-2 zoning in the northwest quadrant, it was the opinion of the Planning Department that the commercial zoning and development already in place in all three of these quadrants fulfilled the objectives of the Master Land Use Plan. With the application of the additional B-2 zoning in the northwest quadrant, it is even clearer that there is no need for any additional commercial/retail zoning and development in this area. It is, therefore, the recommendation of the Planning Department that the original request for rezoning from R-1E to B-1 be denied.

In the course of considering this request, the Planning Department felt that it would be reasonable to consider the impact of the revised zoning pattern in the northwest quadrant, and the pending development in that area, on the easterly John R Road frontage south of Orpington. In this regard, we looked at the existing development pattern, and at the existing ownership pattern in this area, as depicted on the enclosed larger-scale map. We then included, in the advertisement for the Planning Commission's Public Hearing on this matter, provision for the potential application of an alternative zoning pattern in the area extending south from Orpington to the B-1 zoned parcels at and adjacent to the northeast corner of Big Beaver and John R. The land between the petitioner's property and the present B-1 zoning is owned by Detroit Edison. The northerly portion of this property contains a sub-station. The alternative zoning approach available for consideration includes the application of O-1 zoning to the R-1E zoned portion of the Detroit Edison property, and the potential application of O-1 zoning to the petitioner's property, with the exception of the northernmost 50 feet along Orpington, which would be zoned in the E-P (Environmental Protection) classification. The E-P portion of this proposal takes into consideration the existing residences on the north side of Orpington opposite the petitioner's property, and would bring about a situation somewhat similar to the Livernois-Olympia intersection area south of I-75 where E-P zoning was used at the edge of an office development at the northwest corner of Livernois and Olympia to protect the existing residences across Olympia.

The Planning Commission first considered this matter, in conjunction with a Public Hearing, at their Regular Meeting of June 11, 1996. At that time I recommended denial of the original R-1E to B-1 zoning request, and stated that it was the opinion of the Planning Department

7, 1996 - Hearing Set for soft. 23, 1996 7, 23, 1996 - Rezoning Denied.

C-26

Proposed Rezoning Section 24 R-1E to B-1 (or O-1 and E-P)

that the alternative O-1 and E-P zoning pattern would be a reasonable approach to follow in order to help to establish the ultimate development pattern in this area. Thomas Ryan, attorney, was present on behalf of Mr. and Mrs. Fisher, the property owners and petitioners. He felt that O-1 zoning would be inappropriate in this area, as development under that classification would not be "local serving". He felt that the requested B-1 classification would relate well to the B-2 zoning in the area to the west. He explained that the Fisher's have owned this property, and their abutting home site, for 18 years. He was concerned that, if 50 feet of the property was designated E-P, they would lose the use of 25% of their property.

Laura Bloor of 2110 Orpington was present at the Public Hearing, and was opposed to any rezoning of the property. She did not feel that either rezoning action would benefit the City in any way. She noted that there is a large number of children on Orpington, and that they may be endangered through business development at the John R-Orpington corner. Randy Cleghorn of 2067 Orpington also opposed the rezoning, and wanted the area to remain residential. He did not feel that "Local Business" would be of any benefit to the area residents. He further noted that Orpington is a dead-end street, with access only from John R. Colleen Bean of 3617 Sandburg, president of the Raintree Homeowners Association, also expressed concern about the safety of children in the area, noting that Orpington at John R is a school bus stop. Evonne Solis of 1866 Crimson also opposed the requested rezoning for safety reasons. Mr. Ryan stated that his clients would not propose that the potential development on their property have driveway access to Orpington, as they were also concerned about safety.

In the course of their discussion, Mr. Chamberlain and some Commission members felt that no change in zoning is necessary. Mr. Starr felt that more study of this area was necessary, before the Commission could make a recommendation on a zoning pattern. He was also concerned about any development involving additional curb cuts on John R. The Commission then tabled action on this matter to enable further study.

The potential zoning pattern in this area was further discussed by the Planning Commission at their July 2 Study Meeting, and at their July 9, 1996 Regular Meeting. In the course of the Commission's discussion, Mr. Wright questioned the need for additional small office sites. Mr. Kramer noted that the Edison sub-station provides a good transition in this area between the commercial and residential areas. Mr. Starr noted that two additional homesites could be created within the petitioner's property, fronting on Orpington. Several of the Commission members expressed the opinion that no rezoning at all was necessary in this area.

Thomas Ryan, attorney for the petitioners, was present once again for the July 9 Regular Meeting. He noted the many small office buildings in the City, and stated that he and his clients preferred a "convenience center" for the local residents. Mr. Wright and Mr. Starr expressed concern about the traffic problems which would be created through the introduction of additional curb cuts to John R Road in this area. Mr. Wright stated that an excessive amount of commercial zoning had already been applied on the west side of John R. In response to Mr. Storrs' question, I noted that there are several vacancies in small commercial centers throughout the City. It is my understanding, however, that office vacancy is now at a

Proposed Rezoning
Section 24
R-1E to B-1 (or O-1 and E-P)

level at or below 10%. I further noted that there are relatively few small vacant office-zoned parcels in the City. Most of the vacant office land is controlled by a few large development companies.

The Commission concluded that no rezoning was necessary in this area, as indicated by the following resolution adopted at their July 9 Regular Meeting.

Moved by Lepp

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that no action is necessary as to the zoning pattern on the east side of John R extending south from Orpington Street to the present B-1 zoned area.

Yeas: Thompson, Lepp, Wright

Chamberlain, Starr, Kramer

Nays: Storrs

Absent: Reece, Waller

MOTION CARRIED

Mr. Storrs indicated that his nay vote was due to his opinion that O-1 zoning with an E-P buffer was a good ultimate solution for this site, considering the commercial zoning across John R, and the fact that there is not an over-supply of small office sites available.

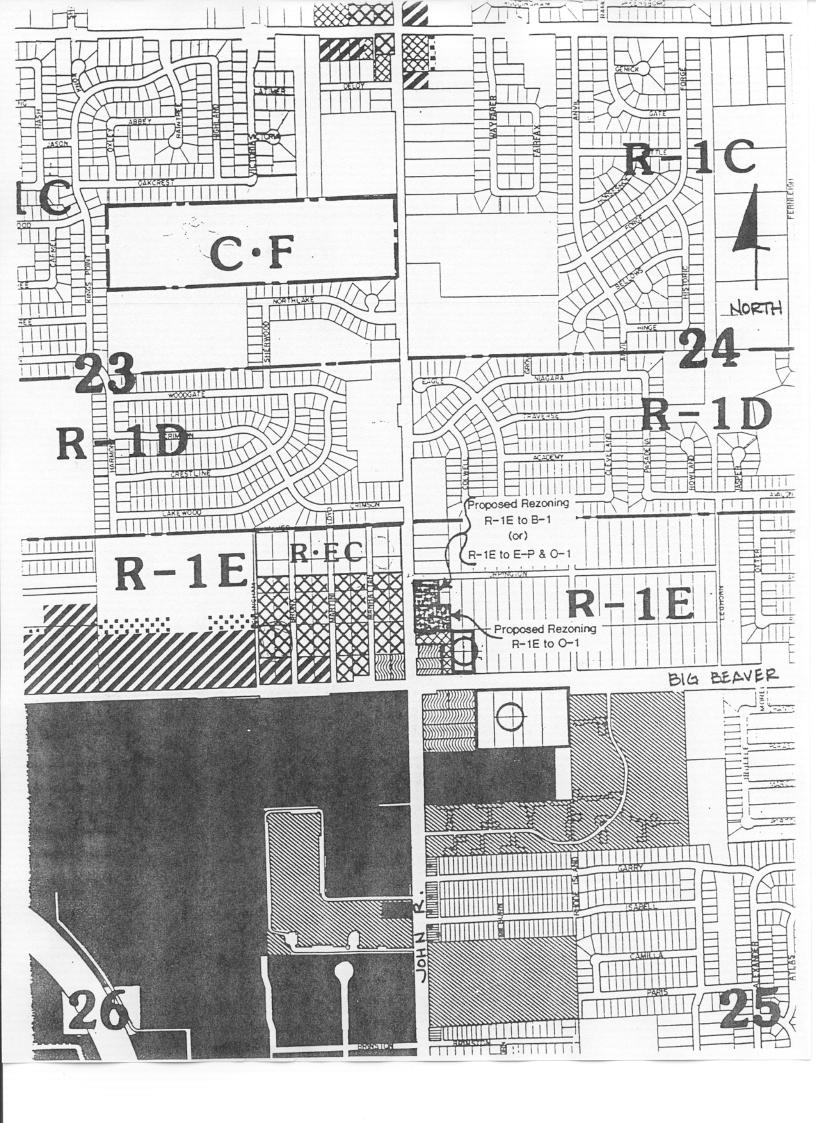
Respectfully,

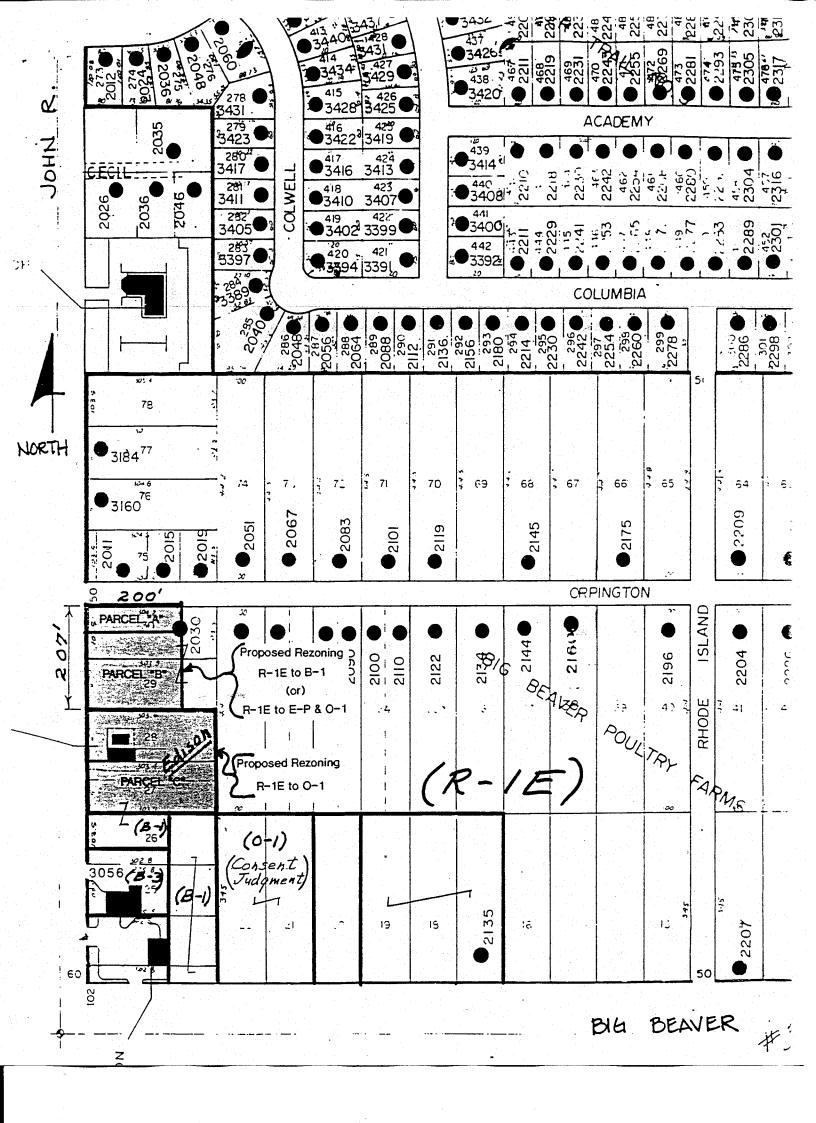
Laurence G. Keisling

Planning Director

LGK/eh

copy: John Szerlag, Assistant City Manager





July 17, 2001

TO:

The Honorable Mayor and City Council

FROM:

John Szerlag, City Manager

Gary A. Shripka, Assistant City Manager/Services

SUBJECT:

SEMCOG Delegate

Recently Council requested clarification in who represents the City to SEMCOG. The attached Resolution #99-499 appointed Councilman Kaszubski as the delegate and the Planning Director as the alternate. This action, as a result of Mr. Keisling's memo dated October 22, 1999, removed the Chairman of the Planning Commission as the delegate and returned those duties to an elected official as required in the SEMCOG by laws.

October 22, 1999

TO:

The Honorable Mayor and City Council

FROM:

John Szerlag, City Manager

Gary Shripka, Acting Assistant City Manager

Laurence G. Keisling, Planning Director

SUBJECT:

Information Regarding Troy's Representatives to the SEMCOG General

Assembly

You have requested information as to the recent, past, present, and potential future delegates from the City of Troy to the SEMCOG General Assembly. City Clerk Tamara Renshaw has indicated that, before the recent action to appoint the Planning Commission Chairman as Troy's Delegate, the last action of this type in the City's records was the 1996 action to appoint Matt Pryor as Delegate.

We have contacted Dennis Kramer, the present Planning Commission Chairman, regarding any communications which he has received in relation to his position as SEMCOG Delegate. He indicates that he has received no communications, either from the City or from SEMCOG. He further notes that his term as Chairman will most likely end in January of 2000, and that Robin Beltramini will most likely be elected Chairman for the year 2000.

We next contacted the SEMCOG offices and were advised by Jerry Rowe, a long-time staff member and administrator, that the SEMCOG By-Laws require that the Delegate from a community be an Elected Official. The Alternate to the Delegate can, however, be a staff person, Planning Commission member, etc. General Assembly meetings occur three times a year (March, June, and October) at various communities in the region. The meetings typically run from 2:30 to 6:00 P.M.

If the City Council decides that a staff person should serve as Alternate Delegate to the SEMCOG General Assembly, the Planning Director could properly serve in that manner.

/eh

copies: Tamara Renshaw, City Clerk

Neall Schroeder, City Engineer John Abraham, Traffic Engineer

Mark Stimac, Acting Director of Building and Zoning

REGULAR BUSINESS - CONTINUED

<u>Traffic Committee Recommendations – Continued</u>

F-2

(d) Fire Lanes/Tow-Away Zones at Troy Market Place

Resolution #99-497 Moved by Pallotta Seconded by Allemon

RESOLVED, that Traffic Control Order No, 99-14-MR is hereby approved for the establishment of fire lanes/tow-away zones at the Troy Market Place development on Rochester Road, north of I-75, as recommended by the Traffic Committee.

Yes:

All-7

Approval of Public Access Funding Proposal

F-3

Resolution #99-498 Moved by Schilling Seconded by Pallotta

RESOLVED, that the City of Troy hereby allocates one-half of the approximate \$139,600 proceeds from cable television providers allotted to Public Access to Community Media Network (CMN) for operation of a public access facility, with the remaining one-half to be used among other PEG users to be recommended by the City administration, in accordance with the recommendation of the ICCA in a resolution approved October 20, 1999, a copy of which shall be attached to the original minutes of this meeting.

Yes:

Allemon, Kaszubski, Pallotta, Schilling, Stevens, Stine

No:

Thompson

Appointment of Representative and Alternate Representative to SEMCOG

E /

Resolution #99-499 Moved by Pallotta Seconded by Allemon



ne Planning Director

RESOLVED, that Tom Kaszubski is hereby appointed to be the delegate and the Planning Director is hereby appointed as the alternate delegate of the City of Troy to serve on the Southeast Michigan Council of Governments (SEMCOG) General Assembly.

Yes:

All-7

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

Gary A. Shripka, Assistant City Manager/Services

Steven Vandette, City Engineer

SUBJECT: Design Services – CMAQ Projects – Insurance

RECOMMENDATION

Staff recommends that the current not-to-exceed amount of \$25,066.00 be increased to \$32,179.00 for the CMAQ design services currently under contract with Mr. Ken Van Hoelst. The increase of \$7,113.00 is to cover the cost of insurance requirements for the period beginning July 1, 2001 through June 30, 2002. As part of the original proposal, and all consultant proposals, the costs for insurance requirements are included as part of the design fee (copy of original proposal attached). Due to the delay in the construction of the CMAQ projects for budgetary reasons, the design phase was pushed back. Since Mr. Van Hoelst's insurance policy expires June 26, 2001, its renewal is necessary for design work to continue on these projects.

PROJECT INFORMATION

Ken Van Hoelst is currently under contract to provide design services for the CMAQ projects, as approved by Resolution #2000-305 (copy attached). The construction phase for the following CMAQ projects has been delayed until July 1, 2002:

Project No. 99.205.5 – Square Lake – John R Intersection Project No. 99.206.5 – Square Lake – Dequindre Intersection

Project No. 00.106.5 – Coolidge Left Turn Storage Under I-75

Project No. 00.108.5 – Wattles Right Turn Lane at Forsyth

Project No. 00.109.5 – Wattles EB & WB Right Turn Lanes at Coolidge

The projects were originally intended to be let as two separate contracts. With the delay in the construction due to budgetary constraints, the City requested that Mr. Van Hoelst delay the plan preparation to allow for all five (5) CMAQ projects to be let as one contract on the MDOT bid letting in April 2002 to allow for a start of construction after July 1, 2002.

The Honorable Mayor and Council June 25, 2001 Page 2 of 2

The City of Troy is providing the survey, drafting, reproducible materials and right-of-way acquisition, as required.

The following CMAQ project is proposed for the current construction season, after July 1, 2001:

Project No. 00.107.5 - Crooks, Extend Left Turn Storage EB at Kirts

The City is working with the MDOT and the RCOC to use City and Oakland County forces to complete the construction of this project. As such, Mr. Van Hoelst has submitted final construction plans.

FUNDING

Funds are available in the 2001-02 Major Roads Capital budget.

Date: July 17, 2001

To: Honorable Mayor and City Council

From: John Szerlag, City Manager

Gary A. Shripka, Assistant City Manager/ Services

Steven J. Vandette, City Engineer

William R. Need, Director of Public Works Mark Miller, Interim Planning Director

Subject: Preliminary Plat–Tentative Approval - Oak Forest Subdivision (revised)

West of John R and South of Square Lake, Section 11

Enclosed is the staff response to the tabling of the Tentative Preliminary Plat for Oak Forest Subdivision. Concerns were raised regarding procedures that could have delayed the proposed subdivision. In addition, there are a number of issues ranging from stormwater drainage to wetlands that contributed to the complexities of the project. At no time did the City purposefully delay the review of the subdivision, to allow for the implementation of a wetlands and/or natural features ordinance. In fact, it has been the City's policy to apply new regulations only to proposed developments that have been submitted after the new regulations have been adopted.

There are three attached reports that address the complex issues related to the history of the review process. First, a report is provided summarizing the stormwater drainage difficulties of the subject property. Second, is a time line of the Tentative Preliminary Approval process for the subject subdivision. Third, is a summary of the plat process in the City of Troy.

City Management encourages the petitioner to further address the hydrologic and stormwater design problems; however, the Tentative Preliminary Plat process does not require these to be provided to the City. The petitioner may encounter engineering design difficulties during the Final Preliminary Plat process and the inherent risks of these potential problems.

Cc: Lori Bluhm, Acting City Attorney

File/Oak Forest

Proposed Oak Forest Subdivision Development- West of John R and South of Square Lake

This report is in response to concerns that the City Council and Administration had regarding the proposed Oak Forest Subdivision development. The majority of these issues will need to be addressed by the developer prior to obtaining Final Preliminary Plat Approval.

Fetterly Drain

The first issue involves improvements to the Fetterly Drain and the effects that this proposed development would have on the drain. The Fetterly Drain was constructed in 1945; in 1988 an inspection performed by Hubbell, Roth, and Clark (HRC) showed it to be in need of repair. In 1994 the City requested that the Drain Commission institute the process for these repairs. Subsequent engineering studies found that the size of the open drain required for these improvements could not be accomplished in the existing easement; therefore an enclosed drain with an open drain above would be required. At that time, the estimated cost of these improvements was \$875,000. Approval for the funding of this drain improvement was considered and tabled by the City Council during May of 1998. In July, 1998 City Council determined that they would not undertake any enclosure or cleanout project at that time and further, that the impending HRC Master Storm Drainage Plan Update would prioritize storm drain projects on a City-wide basis. There has been no further action to date regarding the Fetterly Drain.

As stated in the Master Storm Drainage Plan Update, prepared by HRC in 1999, the Fetterly Drain is listed with a Priority 2 Ranking. This means that while the drain currently is not able to handle a 10 year storm event, making improvements to this drain is not ranked as one the highest priority projects. However, improvements to the drain will be necessary for development of this site to occur. These improvements are in addition to providing required detention of the 10 year storm. If drain improvements are to occur, City Staff, the Oakland County Drain Commission, and the developer will need to work closely in order for this project to succeed.

Wetland Mitigation

Are wetlands able to be mitigated to another wetland area? The Michigan Department of Environmental Quality (MDEQ) views wetland mitigation as a last resort. Only if upland areas cannot reasonably be used will they allow wetlands to be filled and mitigated (per Dave Wickens, MDEQ, Livonia office). Regulated wetlands receive higher priority for preservation than unregulated wetlands, and it is highly unlikely that an existing unregulated wetland would be accepted as mitigation for a regulated wetland that was filled. The MDEQ prefers large areas of mitigation as opposed to smaller, widely dispersed areas, and wants these areas to be outside of individual lots. They also prefer to see mitigation areas created adjacent to existing regulated wetlands.

Detention in Wetlands

The third issue concerns detention in a wetland area. The City's development standards require public detention basins to be dry basins in order to be accepted and maintained by the City of Troy. If the detention basin is located in the wetland and remains "wet", it will require private maintenance. A detention basin built in or adjacent to a wetland will create disturbance to the wetland, which will require additional mitigation if the wetland is regulated by the Michigan Department of Environmental Quality. In addition, the function and storage capacity of any wetland is limited. The developer's engineer will need to demonstrate to City staff that all contributing drainage areas have been accounted for if detention is proposed in the existing wetlands. MDEQ approval for such use of a wetland area will also be required. It is unclear whether or not the proposed detention area for Oak Forest is in a wetland, as the developer has prohibited City staff from accessing areas outside of the proposed plat.

Detention basins are prohibited from being located within the 10 year floodplain. If a basin is to be located in the 100 year floodplain, the developer's engineer will be required to provide information proving that it will have no adverse effect upstream or downstream of the proposed development.

Wetlands and Rear Yard Drains

Another issue concerns rear yard drains through wetlands. The City believes that yard drainage can be better addressed with side yard drains in areas with wetlands located in the rear yards. The concern is that the rear yard drains could drain the existing wetlands, thereby eliminating them. The developer should provide a study of the immediate drainage area to ensure the wetland is receiving the proper amount of water in order to maintain the area.

Wetland Creation/ Drain Maintenance

It stands to reason that the area surrounding the Fetterly Drain, previous to its construction, had some degree of wetness associated with it. Lack of development in the area serviced by the Fetterly Drain most likely placed it lower on the Oakland County Drain Commission's list of priorities for maintenance, and the area may be reverting to its natural state. Regardless of how wetlands are formed, the MDEQ will regulate those it considers to fall under its jurisdiction. These include wetlands that form from man-made activities. Dr. Jaworski, the Wetlands Consultant for the City of Troy, may be able to better address this issue if he is allowed full access to the entire site.

Prepared by Dana Calhoun, Storm Water Utility Engineer and Tracy Slintak, Environmental Specialist.

Oak Forest & Oak Forest South Time Line Tentative Preliminary Plat Application

12-17-1999	Wattles Square, Inc. submitted Tentative Preliminary Plat Applications for Oak Forest and Oak Forest South Subdivisions.
01-05-2000	City Staff requested revisions to plats & permission for inspection of wetland on sites.
01-10-2000	City Subdivision Control Ordinance revised to have City staff confirm natural features information in report form prior to submitting Preliminary Plat to the Planning Commission.
01-10-2000	Planning Department received Preliminary Wetland Evaluations by City consultant, however, consultant did not enter property.
01-11-2000	Planning Commission tabled plats to March 14 meeting at request of Petitioner to enable completion of environmental review and City requested revisions to plats.
03-14-2000	Planning Commission tabled plats to April 11 meeting at request of Petitioner.
04-05-2000	Petitioner requested tabling of the plats to May 9 meeting.
04-11-2000	Planning Commission tabled the plats "Until receipt of complete plat submission".
02-07-2001	City received revised plats for Oak Forest and Oak Forest South.
03-02-2001	City requested additional information including Wetland Report/Evaluation to complete applications.
04-24-2001	City received application for Oak Forest Subdivision (Revised) only. MDEQ Wetland Assessment & written permission to enter property submitted by applicant.
06-04-2001	City requested revised plat for June 12 Planning Commission meeting.
06-07-2001	City received revised plat.
06-12-2001	City received updated Wetland Evaluation and Map by City consultant, after on-site inspection.
06-12-2001	Planning Commission recommended approval of Tentative Preliminary Plat of Oak Forest Subdivision (Revised).
07-09-2001	City Council postponed Tentative Preliminary Plat for Oak Forest Subdivision (Revised) to July 23 meeting.

PLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Tentative Preliminary Plat Approval

The following items are included in the **Tentative Approval** process:

- Existing Conditions
- Tree Preservation Plan
- Street layout
- Number of lots
- Building setbacks
- Lot dimensions
- Stub Street for possible future developments
- Locations of easements
- The Planning Department analyses the potential future development of the abutting property.
- The developer must provide locations of wetlands and natural features on the property and the method of preservation.
- An environmental impact statement is required if the development consists of 25 lots or more.
- A sign is placed on the property informing the public of the proposed development.
- A notice of the public meeting before Planning Commission is mailed to the abutting property owners.

Final Preliminary Plat Approval

The following items are included in the **Preliminary Plat- Final Approval** process:

- Determine that all city development standards are met and complied with.
- Capacity of sanitary and storm sewers
- Size and location of Water mains
- Size and location of Detention / Retention basins
- Grading and rear yard drainage
- Paving and widening lanes
- Financial guarantees
- Sidewalk and driveway approaches
- Approval from other government agencies involved with the development.
- Verification of wetlands and M.D.E.Q. permit if necessary.
- Agreements, covenants or other documents for the dedication of land for public use or property owners use.

Final Plat Approval

Final Approval checks for conformance with the approved Tentative and Final Preliminary Plats and that all property conveyances such as R.O.W, Easements, Open Space and Parks are in proper order.

STATE OF MICHIGAN



JOHN ENGLER, Governor

"Better Service for a Better Environment" HOLLISTER BUILDING, PO BOX 20473, LANSING MI 48909-7973

> INTERNET www.deg.slate.mi.us RUSSELL J. HARDING, Director

> > January 23, 2001

REPLY TO:

DEPARTMENT OF ENVIRONMENTAL QUALITY SE MICHIGAN DISTRICT OFFICE LIVONIA MI 48152-1006

Wattles Square Inc. 4086 Rochester Road, Suite 202 Troy, Michigan 48098

Dear Sir or Madam:

SUBJECT: Wetland Assessment Report - Wetland Assessment File Number 00-63-0006-WA

The Department of Environmental Quality (DEQ) conducted a Level 3 Wetland Assessment on property (property tax identification number 20-11-226-007) located in Town 02N, Range 11E, Section 11, City of Troy in Oakland County on November 1, 2000. The assessment was conducted in accordance with Part 303, Wetland Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and Rule 4, Wetland Assessments (R 281.924), of the Administrative Rules for Part 303. This is a report of our findings in response to your wetland assessment application.

The DEQ staff walked the flagged boundaries as requested in your wetland assessment application. Based on our on-site investigation, which included review of plant communities, hydrologic indicators, and soils of the assessment area, along with an in-office review of other pertinent information; the DEQ finds that there are substantial errors in the wetland boundaries observed on July 18, November 1 and December 4, 2000. Staff noted errors with your consultant's boundaries on parcels 20-11-201-012, 20-11-201-015, 20-11-226-007, and 20-11-201-018.

The DEQ is willing to complete the assessment of this site with no additional fee assess, as soon as weather permits in the spring of 2001. We request that you complete or provide the following as specified:

- 1. The parcels listed above shall be delineated again by your consultant to identify all wetlands based upon the three parameters characteristic of wetland systems. Your consultant should be careful to make sure that all wetlands are accurately delineated. Those areas with the highest probability of being wetland are shown on the enclosed aerial photograph. This map should be considered a general guide and is not meant to convey that upland or wetland habitats are confined only to these specific locations.
- 2. Wetlands identified on the site shall be marked with surveyor's ribbon, each ribbon shall be numbered, and the surveyed points shall be shown on a revised map of the assessment area. This map shall be provided to the department at least one week prior to your requested date for the next site visit.
- 3. The map dated November 13, 2000, does not show the boundary between parcels 20-11-201-007 and 20-11-201-018. Parcel 20-11-201-012 is not labeled.

Wattles Square Inc. Page 2 January 23, 2001

- 4. The boundaries of all the parcels shall be clearly marked.
- 5. Is the proposed future street access located at the southeast corner of parcel 20-11-201-012 to tie into the end of Hopedale Street? There does not appear to be another street between Abbotsford and Hopedale based upon review of a recent aerial photograph.

Please notify Ms. Wendy Veltman when all of the requested information is available and you desire the DEQ to conduct the wetland assessment.

Sincerely

Mary Vanderlaan

Land and Water Management Division

734-953-1465

cc: Ms. Wendy Veltman, DEQ

Mr. Todd Holloway

June 29, 2001

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager

Gary Shripka, Assistant City Manager/Services

Mark F. Miller, Interim Planning Director

Subject: PRELIMINARY PLAT-TENTATIVE APPROVAL – Oak Forest Subdivision

(Revised) West side of John R Road, South of Square Lake Road -

Section 11

In the Spring of 2000, the Planning Commission considered Tentative Preliminary Plats for two Subdivisions in the area west of John R Road and south of Square Lake Road, then known as Oak Forest and Oak Forest South Subdivisions. The sites proposed for these subdivisions are indicated by the darker shaded patterns on the first of the enclosed maps. The original Oak Forest Subdivisions site extended one half mile west from John R Road, in an irregular configuration, to Willow Grove. On April 11, 2000 the Planning Commission postponed action, at the request of the proprietor, in order to enable submittal of the required environmental information, completion of the necessary environmental review of the subject property, and submittal of the Plats revised to indicate the results of the environmental review and the changes requested by City staff.

A revised plat for proposed Oak Forest Subdivision has been submitted, involving just the easterly 10.2-acre portion of the site, extending west ¼ mile from John R Road. This proposed subdivision consists of 24 lots developed in accordance with the lot-averaging provisions applicable to the subject R-1C zoning district. The street pattern involves a single street access from John R Road, now properly located directly opposite Highbury Drive in the Stoneridge Subdivisions. A stub-street connection is proposed, extending south to the present Holm Street right-of-way within the Eyster's John R Farms Subdivision. A stub-street is also proposed to extend to the north, in order to provide for potential additional residential development in that area. The proprietor's engineer provided a potential street and lot layout for that area.

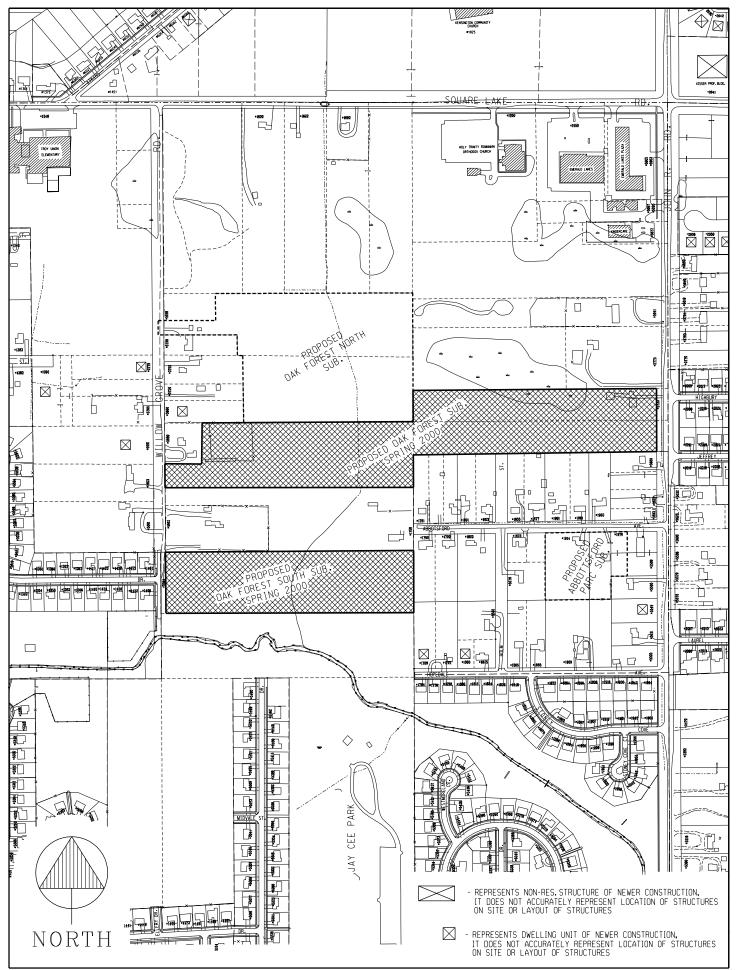
Storm water detention is proposed to be provided in an off-site location abutting immediately to the west, between the proposed subdivision site and the Fetterley Drain. The location and configuration of this parcel is indicated on an additional sheet attached to the proposed subdivision plat. It is intended that this basin site will ultimately serve this proposed subdivision, along with potential additional development in the area to the west. It is further intended that this basin will ultimately be conveyed to the City for maintenance.

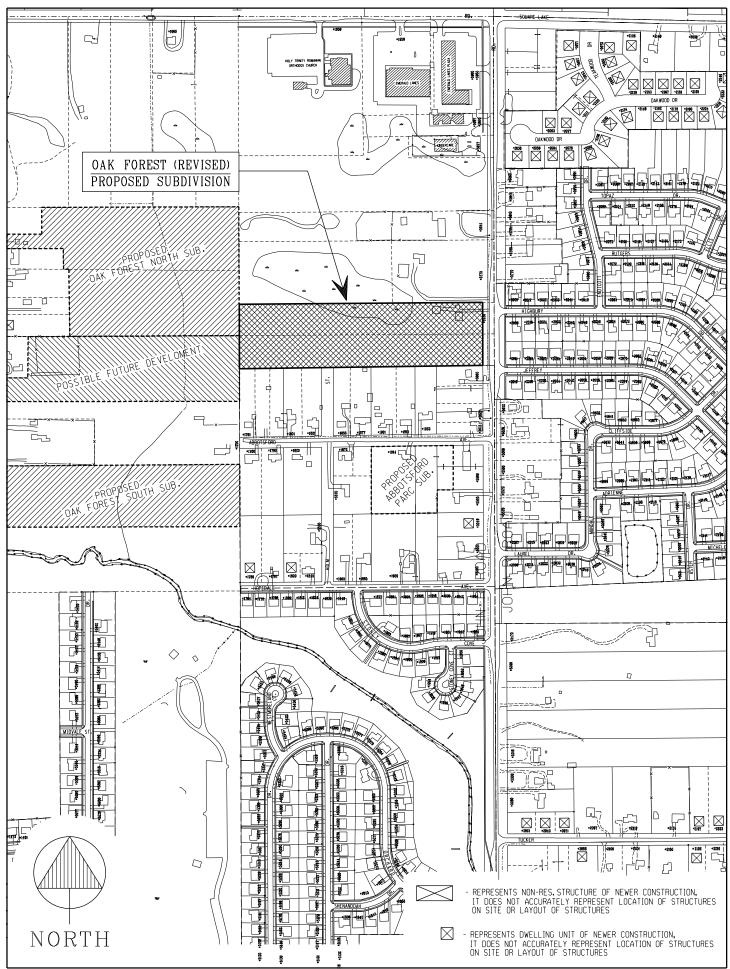
Under the Wattles Square, Inc. cover letter of April 24, 2001, the proprietors have submitted the Wetlands Assessment Report from the Michigan Department of Environmental Quality (MDEQ). A June 11, 2001 J & L Consulting Services report from Dr. Eugene Jaworski, the City's Interim Environmental Consultant outlined an separate wetland assessment for the subject property. A map showing the differences between the two wetlands assessments has been prepared by City Staff. The proposed plat shows wetlands preservation and mitigation areas at three locations and wetlands mitigation within the detention basin site to the west. It should be noted that the stormwater detention basin is off-site and no wetlands delineation or assessment has been conducted for this area. Although staff would prefer consolidation of regulated wetlands and wetlands mitigation areas into subdivision open spaces, the wetlands permit authority continues to be the responsibility of the MDEQ.

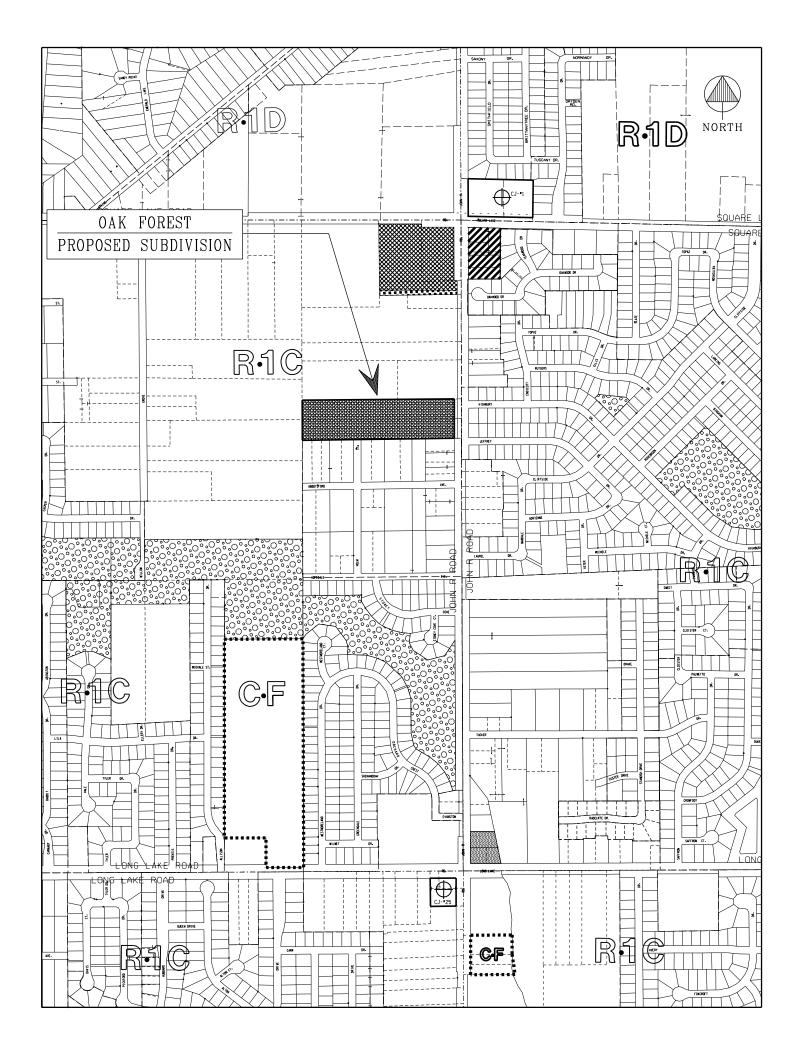
All applicable Ordinance requirements are complied with and the Planning Commission recommended approval of the subdivision on June 12, 2001, subject to the City requesting a MDEQ Wetlands Permit hearing. City Management recommends approval of this Tentative Approval of the Preliminary Plat.

Mfm Enclosures

Cc: John Abraham, Traffic Engineer
Tonni Bartholomew, City Clerk
Tracy Slintak, Environmental Specialist
Steven Vandette, City Engineer
File/Oak Forest (revised)









J & L CONSULTING SERVICES



- Environmental Assessments
- Mitigation Plans and Permits
 Site Evaluation and Analyses
- Wetlands Mapping

11 June 2001

REC'D

Ms. Tracy Slintak
Engineering Department
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

JUN 13 2007

PLANNING DEPT.

Re: Wetland Verification, 10.19 Acres, Oak Forest Subdivision, NE 1/4 of Section 11

Dear Ms. Slintak:

Enclosed please find the annotated Wetlands Map pertaining to the 24-unit proposed project which is located west of John R Road. The undersigned and his field assistant inspected the wetlands on this property on 6-9-01.

The wetlands were identified in accordance with <u>Part 303 – Wetland Protection</u> of P.A. 451 of 1994 as amended, i.e., the <u>Natural Resources and Environmental Protection</u> <u>Act</u>, Statutes of the State of Michigan.

Findings:

- 1. Six small areas of additional wetlands have been mapped on the enclosed drawing. These additional wetland areas are shown in hacures, but were not flagged in the field.
- 2. The wetlands which are located in Unit 15, and the Unit 20-22-Park-23 area are regulated by the State of Michigan per Part 303 of P.A. 451 of 1994. In contrast, the L-shaped wetland located in the east end of the property (closer to John R Road) is not regulated due to being located more than 500 feet from the drain located offsite to the northwest. Also, no stream occurs in this L-shaped wetland. Furthermore, no culverts were located under John R Road, i.e., to the east of the subject property.
- 3. The mitigation area, which has been set aside in Unit # 13, is not of sufficient size, nor well located. If a wetland replacement area is constructed on Unit (Lot) # 13, it will be hydrologically and ecologically isolated.

Rather, the wetland replacement should occur adjacent to existing preserved and regulated wetlands. Thus, Unit 13 (Lot 13) appears to be a more likely mitigation site.

Also, if some of the wetlands in Units 1 and 2 were preserved, that would be RECEIVED suitable in terms of location and ecological conditions.

JUN 1 2 2001

ENGINEERING

The amount of rear yard space in Lots 20, 21 and 22 is not really adequate, nor is there any assurance that additional wetland loss will occur in the future. Thus, the wetland mitigation plan must be reworked.

If you have any questions concerning this wetland review, please contact my office at 734/572-1630.

Sincerely,

Eugene Jaworski, PhD

Principal, and

Interim Wetland Consultant

Enclosure: Corrected Site Plan Drawing, showing the Additional Wetlands

WATTLES SQUARE, INC. 4086 ROCHESTER ROAD, SUITE 202 TROY, MI 48098

RECID

APR 2 4 2001

PLANNING DEPT.

Planning Department City of Troy 500 W. Big Beaver Road Troy, MI 48084

April 24, 2001

RE: Proposed Preliminary Plat, Oak Forest Subdivision (Revised)

To Whom It May Concern:

Enclosed herewith is Wetlands Assessment Report from the Michigan Department of Environmental Quality for the property containing the above-referenced plat (specifically, parcel numbers 20-11-226-006 and 20-11-226-007.) We hereby authorize the review of this property for wetlands and natural features by city personnel and consultant.

We do not at this time authorize inspection of the remainder of the property contained in the previous submittal of the proposed plat for Oak Forest Subdivision, specifically parcel number 20-11-201-015, nor of the property contained in the plats previously submitted for Oak Forest North (20-11-201-007, part of 20-11-201-018) and Oak Forest South (20-11-201-012.)

No city employees, consultants, contract employees, volunteers, or members of any official or ad hoc committees are permitted to be on these parcels without written permission.

We thank you for your cooperation. If you require further information regarding this plat submittal, please contact me at (248)524-2560.

Sincerely,

Dale E. Garrett

Encl.

STATE OF MICHIGAN



JOHN ENGLER, Governor

REPLY TO:

38989 SEVEN MILE RD LIVONIA MI 48152-1006

DEPARTMENT OF ENVIRONMENTAL QUALITY SE MICHIGAN DISTRICT OFFICE

"Better Service for a Better Environment" HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

> INTERNET: www.deq.state.mi.us RUSSELL J. HARDING, Director

> > January 23, 2001

REC'D

APR 24 2001

Wattles Square Inc. 4086 Rochester Road, Suite 202 Troy, Michigan 48098

PLANNING DEPT.

Dear Sir or Madam:

SUBJECT: Wetland Assessment Report - Wetland Assessment File Number 00-63-0006 WA

The Department of Environmental Quality (DEQ) conducted a Level 3 Wetland Assessment on property (property tax identification number 20-11-226-007) located in Town 02N, Range 11E, Section 11, City of Troy, Oakland County, on November 1, 2000. The assessment was conducted in accordance with Part 303. Wetland Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and Rule 4, Wetland Assessments (R 281.924), of the Administrative Rules for Part 303. This is a report of our findings in response to your wetland assessment application.

The DEQ staff walked all the staked/flagged boundaries as requested in your wetland assessment application. Based on our on-site investigation, which included review of plant communities, hydrologic indicators, and soils of the assessment area, and an inoffice review of other pertinent information, the DEQ accepts in part the boundaries observed on November 1, 2000. Enclosed is a site map of the assessment area that was created by combining information from your consultant and the DEQ based upon results of the November 1, 2000 site inspection. The new map dated November 13, 2000, identifies both wetland and upland areas within the assessment area.

For those areas identified as wetland on the site map, please be advised that any of the following activities require a permit under Part 303:

- a) Deposit or permit the placing of fill material in a regulated wetland.
- b) Dredge, remove, or permit the removal of soil or minerals from regulated wetland.
- Construct, operate, or maintain any use or development in a regulated wetland. c)
- d) Drain surface water from a regulated wetland.

Wattles Square Inc. Page 2 January 23, 2001

For those areas identified as upland and non-regulated wetland on the site map, the DEQ lacks jurisdiction under Part 303 for activities occurring in those areas. The non-regulated wetland is not regulated since it is not contiguous to the Great Lakes, an inland lake or pond, or a river or stream, and is smaller than five acres in size.

You may request the DEQ reassess the subject parcel or any portion of the parcel should you disagree with the findings of this report. A written request to reassess the parcel must be accompanied by supporting evidence with regard to wetland vegetation, soils or hydrology different from, or in addition to, the information relied upon by the DEQ staff in preparing this report. The written request must be submitted to:

Inland Lakes and Wetlands Unit Land and Water Management Division Department of Environmental Quality P.O. Box 30458 Lansing, Michigan 48909-7958

Please be aware that this assessment report does not constitute a determination of the presence of wetland that may be regulated under local ordinances or federal law. The U.S. Army Corps of Engineers (USACE) retains regulatory authority over certain wetlands pursuant to Section 404 of the Clean Water Act (CWA) and specifically those wetlands associated with traditionally navigable waters of the state. Traditionally, navigable waters are generally the Great Lakes, their connecting waters, and river systems and lakes connected to these waters. In other areas of Michigan, the DEQ is responsible for determination of wetland boundaries for purposes of compliance with the CWA under an agreement with the U.S. Environmental Protection Agency. Your assessment area does not appear to be within those areas also regulated by the USACE. However, should you desire more information, please contacted the USACE at 313-226-2218.

The U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) may also make an independent evaluation of wetland boundaries on agricultural land under certain provisions of the Food Security Act. For additional information, please contact your county NRCS office.

This assessment report is limited to findings pursuant to Part 303 and does not constitute a determination of jurisdiction under other DEQ administered programs. Any land use activities undertaken on the assessed parcel may be subject to regulation pursuant to the NREPA under the following programs:

Part 31, Water Resources Protection, Floodplain Regulatory Authority Part 91, Soil Erosion and Sedimentation Control Part 301, Inland Lakes and Streams

Wattles Square Inc. Page 3 January 23, 2001

The findings contained in this report do not convey, provide, or otherwise imply approval of any governing act, ordinance, or regulation; nor does it waive the obligation to acquire any applicable state, county, local, or federal approval or authorizations necessary to conduct any possible activities. This assessment report is not a permit for any activity that requires a permit from the DEQ.

The findings contained in this report are binding on the DEQ until November 1, 2002, a period of three years from the date of the assessment, unless new information provided by the applicant warrants a revision of the DEQ's findings prior to the expiration date. Please contact me if you have any questions regarding this assessment report.

Sincerely,

Mary Vanderlaan

Land and Water Management Division

734-953-1465

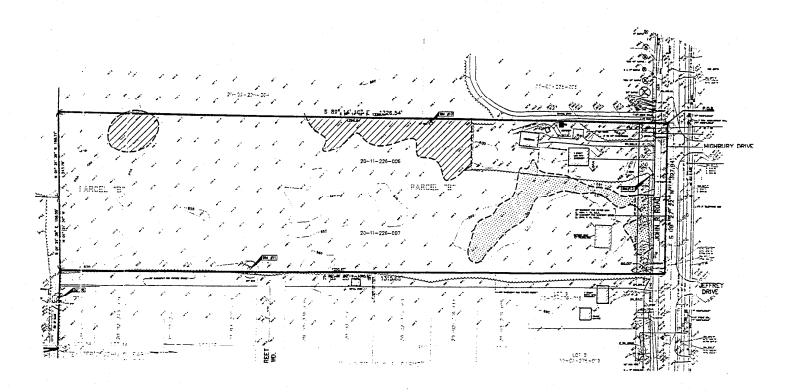
Enclosure

cc: Ms. Wendy Veltman, DEQ

Mr. Todd Holloway

Wattles Square Inc. Page 4 January 23, 2001





LEGEND

MDEQ REGULATED WETLANDS

NON-REGULATED WETLANDS

Approximate Scale: 1 inch = 203 feet

This drawing showing those areas containing wetland and not containing wetland is an approximation of the boundaries flagged on-site.

This drawing does not authorize or permit activities requiring a permit in accordance with Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

4. <u>PRELIMINARY PLAT-TENTATIVE APPROVAL</u> – Oak Forest Subdivision (Revised) – West side of John R Road, South of Square Lake Road – Section 11

Mr. Miller explained that, in the Spring of 2000, the Planning Commission considered Tentative Preliminary Plats for two Subdivisions in the area, west of John R Road and south of Square Lake Road, then known as Oak Forest and Oak Forest, South Subdivisions. The original Oak Forest site extended ½ mile west from John R Road in an irregular configuration, to Willow Grove. The last action taken by the Planning Commission on these proposals was postponement, at the request of the proprietor, in order to enable submittal of the required environmental information, completion of the necessary Environmental Review of the subject property, and submittal of the plats, revised to indicate the results of the Environmental Review and the changes requested by staff.

Mr. Miller noted that a revised plat for proposed of Oak Forest Subdivision has now been submitted involving just the easterly 10.2-acre portion of the site, extending west 1/4 mile from John R Road. This proposed Subdivision consists of 24 lots developed in accordance with the lot-averaging provisions applicable to the subject R-1C Zoning District. The street pattern involves a single street access from John R Road, now properly located directly opposite Highbury Drive in the Stoneridge Subdivisions. A stub-street connection is proposed extending south to the present Holm Street right-of-way within the Eysters John R Farms Subdivision. A stub street is also proposed to extend to the north, in order to provide for potential additional residential development in that area. Storm water detention is proposed to be provided in an off-site location abutting immediately to the west, between the proposed subdivision site and the Fetterley Drain. It is intended that this basin site will ultimately serve this proposed subdivision, along with additional potential development in the area to the west. It is further intended that this basin will ultimately be conveyed to the City for maintenance. The plan attached to the proposed subdivision plat indicates an asphalt service access drive to the basin site within an easement along the edge of a proposed hypothetical street alignment in that area.

Mr. Reece arrived.

Mr. Miller noted the MDEQ Wetlands Assessment report, which had been conveyed under the Wattles Square, Inc. cover letter of April 24, 2001. Dr. Jaworski, the City's Interim Environmental Consultant, has now provided a report in response to the MDEQ Assessment, which indicates slightly more wetland area.

In response to Mr. Waller's questions, Mr. Miller confirmed that the MDEQ has final authority in relation to wetlands and that they must ultimately grant a wetland permit before construction can begin. Mr. Littman questioned the use of a part of proposed Lot 13 for wetland mitigation. Mr. Miller confirmed that the lot will be buildable, with exclusion of the mitigation area.

Joel Garrett was present representing the proprietors, and indicated that he would be willing to answer any questions.

Bill Collins of Huron Ecologic in Rochester Hills stated that he was a Wetlands Consultant, and that the wetland boundaries appear to be "way off". Some wetland area is not shown on the plat. He disagrees with the proposal to create several mitigation areas. He questioned the timing of the Wetland Evaluation, in relation to the growing season for wetland plants. He felt that the Planning Commission and the Council shouldn't pass off the wetland question entirely to the MDEQ. Finally, he stated that the MDEQ will review a wetland without a Preliminary

Plan Approval. In relation to Mr. Kramer's question regarding surface water versus ground water impacts, Mr. Collins commented that although the matter is somewhat subjective, ground water should be considered in Wetland Evaluation.

Lon Ullman of 5621 Willow Grove was present and stated that there are saturated soils in this area from October to late May. Two years ago the City's staff and consultant identified an historic wetland in the area to the north, related to the Blue Heron Rookery. It took the developer's consultant three visits to the site in order to complete his Wetland Evaluation. Mr. Ullman objected to home sites encroaching into wetlands, and to the potential placement of the detention basin within a flood plain area. He noted that the developer's proposal includes the enclosure of the Fetterley Drain, to which he also objected. He felt that a development involving fewer lots, along with preservation of large trees and wetland areas, would be far preferable.

Mr. Winkler Prins of 650 Eckford explained that he was in the "indoor air quality" business, wherein he attempted to resolve moisture problems in homes. He noted that hydrostatic pressure from ground water causes problems with basement walls which are quite difficult to overcome. He also commented that potential disease problems can occur and that the City should avoid actions which would create contaminated buildings.

In response to Mr. Littman's question, Ms. Bluhm stated that it was her understanding that a Preliminary Plan is necessary in order to request a Wetland Permit, but the matter is still somewhat unclear. In response to Mr. Storr's question, she indicated that the City Council has requested MDEQ hearings in the past on wetland matters. The Planning Commission could certainly recommend that such a request be forwarded.

Joel Garrett stated that approximately five years ago the City Council considered a proposal to share with him the cost of improving the Fetterley Drain. The City decided not to proceed. The Fetterley Drain must be improved before development proceeds in this area. He corrected Mr. Ullman's comment by indicting that it took three inspections by the MDEQ, not three tries by his consultant, in order to develop the Wetlands Assessment. He has developed in Troy since the mid-1960's and he would not cause a health problem. One of the problems is that the City and the County have failed to maintain the Fetterley Drain.

In response to Mr. Wright's question, Mr. Garrett stated that it is intended that the homes in this area will have basements. Mr. Wright was concerned about the impact of ground water hydrology on basement walls, and wondered whether the Engineering Department could provide information about such concerns. Mr. Kramer shared Mr. Wright's concern, but felt that Engineering matters can't be addressed by the Planning Commission. Mr. Storr's felt that the Planning Commission has done all they can do under current Ordinance provisions.

Moved by Waller

Seconded by Storrs

Nay: Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that Tentative Approval be granted to the Preliminary Plat of Oak Forest Subdivision, on the west side of John R Road, south of Square Lake Road in Section 11, subject to the condition that the City request an MDEQ hearing in relation to the potential Wetland Permit Application.

Yeas: Chamberlain

Kramer Littman Pennington

Reece

Starr

Storrs

Waller

MOTION CARRIED

In response to Mr. Reece's question, Ms. Bluhm stated that if the City Council requests a hearing on an MDEQ Wetland Permit Application, the Council would be responsible for determining the extent of any notice.

Mr. Wright stated that his nay vote was due to his concern that health, safety and welfare matters were not adequately addressed (in relation to ground water).

We are residente of Tray and have been for 36 years. Heently the Planning Campussion has approved of a new subgoing up in the words across The street - Oak Forest lacated westy In R beteren Long Take & Guare Joke roads, at the neeting 3 westerne typeres gave eten apirion on the land-which is very lock! The issues Concerning (would be) the wettands were the cause of flooding in The execting reighborhords. to no avail, they passed it anyway. Under the recommendation of forfellowers head of Tray wellands & loreaufo we are arging yen to help the in any matter available. Bob/Nany Sedilla 1800 Abbots FORD TROY 48098

July 6, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

Jeanette Bennett, Purchasing Director

Charles T. Craft, Chief of Police

Subject: Standard Purchasing Resolution 5: Approval To Expend Budgeted Funds—

Troy Youth Assistance

APPROVAL TO EXPEND FUNDS

We would like approval to continue to provide funding to the Troy Youth Assistance during the 2001-2002 fiscal year at a cost of \$35,000.00, to be paid in quarterly installments.

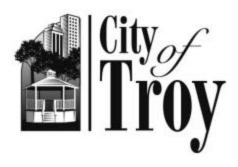
HISTORY

The Troy Youth Assistance will provide family and youth assistance for the residents of the City of Troy. The funding agreement has been approved in the past with resolutions #96-610, #98-313-C-4a, and #2000-422-E-7.

BUDGET

The Police Department account #305.7802.104 has been designated for this funding.

Prepared by: Marsha Livingston, Office Coordinator



July 16, 2001

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: LORI GRIGG BLUHM, ACTING CITY ATTORNEY

RE: DON CHILDS ASSOCIATES v. TROY GOLF & CITY OF TROY et. al

Enclosed please find a copy of the recent lawsuit concerning the proposed Section One Golf Course. Don Childs Associates, Inc. has filed a lawsuit against Treadwell Golf Associates, Douglas Treadwell, Featherstone Corporation, Ted Wilson, Troy Golf, and the City of Troy.

The initial Troy Golf LLC proposal (April 26, 2000) was partially drafted by Don Childs Associates, who was listed as part of the "project team." Don Childs has never been actually affiliated with Troy Golf LLC, but it was anticipated that Don Childs would likely be awarded the golf course architectural and design contract. Other entities on the "professional development team" include NTH Consultants (Environmental), Palladia Architecture and Planning (club house), and Eagle Golf Construction, Inc. (construction of golf course). According to the co-defendants, Don Childs became upset when requested to bid for the project. The submitted bid had at least doubled from the quotes initially included in the proposal

Most of the allegations in the complaint are directed towards Troy Golf LLC, Doug Treadwell and Ted Wilson. On information and belief, the City of Troy was included in the lawsuit, since the Plaintiffs wanted to prohibit the City of Troy from entering into a contract with Troy Golf LLC. However, the contract was already approved at the June 18, 2001 Troy City Council meeting. The complaint also seeks \$100,000 from the City of Troy, as compensation for the work performed on the initial proposal documents. Although not yet verified, the co-defendants indicate that payment for these initial services has already been rendered to Don Childs Associates.

Copies of this lawsuit have been forwarded to our bond counsel and financial advisors, since this may have a detrimental effect on our bonding abilities. The complaint requests appointment of a receiver for Troy Golf LLC, which may prohibit bonds from being issued for the project.

Absent objection from City Council, our office will assume defense of the City of Troy in this matter.

PROPOSED RESOLUTION:

RESOLVED, that the City Attorney is hereby authorized and directed to represent the City of Troy in any and all claims and damages in the matter of Don Childs Associates v Troy Golf & City of Troy, et al, and to retain any necessary expert witnesses and outside legal counsel to adequately represent the City.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

DON CHILDS ASSOCIATES, INC., a Michigan corporation

01-033160-CK

Case i HON.

Plaintiff,

VS.

TREADWELL GOLF ASSOCIATES, INC., a Michigan corporation, DOUGLAS A. TREADWELL, an individual, FEATHERSTONE CORPORATION, a Missouri corporation, THEODORE WILSON, an individual, TROY GOLF, LLC, a Michigan limited liability company, and CITY OF TROY, a Michigan municipal corporation, jointly and severally

Defendants.

STEVEN B. HAFFNER (P24794) Attorney for Plaintiffs 30300 Northwestern Hwy., #310 Farmington Hills, MI 48334 (248) 932-3500

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge. I do not know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this court.

LAW OFFICES
STEVEN B. HAFFNER
& ASSOCIATES
PROFESSIONAL CORPORATION

30300 NORTHWESTERN HWY

FARMINGTON HILLS, MI 48334

VERIFIED COMPLAINT FOR PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF, SPECIFIC PERFORMANCE, CONSTRUCTIVE TRUST, APPOINTMENT OF RECEIVER, AND MONEY DAMAGES

Now comes the above-named plaintiff, Don Childs Associates, Inc., by and through its attorneys, Steven B. Haffner & Associates, P.C., and for its cause of action says as follows:

1. This is an action for preliminary and permanent injunctive relief, appointment of a receiver, specific performance, imposition of a constructive trust, and damages arising from defendants' willful and intentional usurpation and misappropriation of business opportunities, conspiracy to defraud plaintiff, breach of contract, and other wrongful acts, all of which have resulted in damage and injury to plaintiff.

PARTIES, JURISDICTION & VENUE

- 2. Plaintiff Don Childs Associates, Inc. ("Childs") is and at all times mentioned herein was a corporation duly organized and existing under and pursuant to the laws of the State of Michigan, with its registered office located at 2009 Orchard Lake Road, Sylvan Lake, Oakland County, Michigan 48320.
- 3. Defendant Treadwell Golf Associates, Inc. ("Treadwell Golf") is and at all times mentioned herein was a corporation duly organized and existing under and pursuant to the laws of the State of Michigan, with its registered office located at 19301 Northline Road, Southgate, Wayne County, Michigan 48195.
- 4. Defendant Douglas T. Treadwell ("Treadwell") is and at all times mentioned herein was an individual who, upon information and belief, is a resident of the County of Wayne, State of Michigan, and is and at all times mentioned herein was the president of Treadwell Golf.

LAW OFFICES

STEVEN B. HAFFNER

& ASSOCIATES
PROFESSIONAL CORPORATION
30300 NORTHWESTERN HWY.

ARMINGTON HILLS, MI 48334

- 5. Defendant Featherstone Corporation ("Featherstone") is and at all times mentioned herein was a corporation duly organized and existing under and pursuant to the laws of the State of Missouri, with its registered office located at 5038 Kellen Lane, Bloomfield, Oakland County, Michigan 48328.
- 6. Defendant Theodore Wilson ("Wilson") is and at all times mentioned herein was an individual who, upon information and belief, is a resident of the County of Oakland, State of Michigan, and is and at all times mentioned herein was the president of Featherstone.
- 7. Defendant Troy Golf, LLC ("Troy Golf") is and at all times mentioned herein was a limited liability company duly organized and existing under and pursuant to the laws of the State of Michigan, with its registered office located at 2301 West Big Beaver, Suite 500, Troy, Oakland County, Michigan 48084.
- 8. Defendant City of Troy ("Troy") is and at all times mentioned herein was a municipal corporation duly organized and existing under and pursuant to the laws of the State of Michigan, located in the County of Oakland, State of Michigan.
- 9. The amount in controversy is in excess of Twenty-Five Thousand and 00/100 (\$25,000.00) Dollars, exclusive of costs, interest, and attorney's fees; this action is otherwise within the subject matter jurisdiction of this court.
- 10. Venue is proper in this court by reason of the residence of some of the defendants and the transaction of business by all of the defendants within the County of Oakland, State of Michigan.

LAW OFFICES
STEVEN B. HAFFNER
& ASSOCIATES
PROFESSIONAL CORPORATION
30300 NORTHWESTERN HWY.

ARMINGTON HILLS, MI 48334

COMMON ALLEGATIONS

Formation of the LLC and the Award of the Project to Troy Golf

- 11. Childs is, and since 1970 has been, a national golf course architectural and consulting firm that supplies turnkey golf course services including new development and remedial design, management and financial consulting, and public and media relations programs for public and private golf clubs, resorts, and developments.
- 12. Treadwell Golf is, upon information and belief, engaged in the business of owning and managing golf course facilities throughout the State of Michigan.
- 13. Featherstone is, upon information and belief, engaged in the real estate services business, as a real estate and business broker, and has, through its principal, Wilson, close political and other contacts with Troy.
- 14. In or about early 1999, Troy expressed an interest in the construction and development, by a private developer or developers, of a golf/home community within the City of Troy.
- 15. In response to Troy's expression of interest, and its subsequent request for proposals, Childs, Treadwell Golf, and Featherstone, together with Biltmore Homes, a residential home builder/developer, after negotiations and discussions, agreed to form and enter into a limited liability company for the purpose of bidding upon the proposed project.
- 16. Childs, Treadwell Golf, and Featherstone, acting through their respective officers, Donald Childs, defendant Treadwell, and defendant Wilson, respectively, agreed to form Troy Golf, as a single purpose entity, and to submit to Troy proposals on behalf of and in the name of Troy Golf.

LAW OFFICES
STEVEN B. HAFFNER
& ASSOCIATES
PROFESSIONAL CORPORATION
30300 NORTHWESTERN HWY.
SUITE 310
FARMINGTON HILLS, MI 48334

- 17. Childs, Treadwell Golf and Featherstone also agreed that if awarded the proposed project, in any form or format, by Troy:
- a. Childs, without bids, would be named golf course architect and clubhouse designer of record, and would be awarded the architectural and design contract by Troy Golf, with the profits of such contract to be the exclusive property of Childs;
- b. The managers/officers of Troy Golf would be Donald Childs and defendants Treadwell and Wilson, each the president of the members of Troy Golf;
- c. Childs, Treadwell Golf, and Featherstone would share equally in the profits and losses incurred by Troy Golf, specifically in the construction management fee to be generated as a result of the construction management services to be rendered by Troy Golf in connection with construction of the Golf Course Project;
- d. Biltmore Homes would be awarded the residential building contract for construction of residences within the proposed development; and
- e. The "project team" would in all respects consist of Childs, Treadwell Golf, Featherstone, and Biltmore Homes.
- 18. On May 24, 1999, Troy Golf was duly organized upon the filing of Articles of Organization with the Michigan Department of Consumer and Industry Services, Corporation, Securities and Land Development Bureau.
- 19. After submission of proposals by Troy Golf and other entities, Troy, after due consideration, decided to reject each of the proposals and to pursue development of a municipal golf course project, only, without a residential component.

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STEVEN B. HAFFNER
& ASSOCIATES
PROFESSIONAL CORPORATION
30300 NORTHWESTERN HWY.
SUITE 310

'ARMINGTON HILLS, MI 48334

- 20. Troy Golf, by letter addressed to Childs, was invited by Troy to bid upon the newly proposed project, a championship caliber municipal golf course, with clubhouse, professional golf shop, and driving range/training facility (the "Golf Course Project").
- 21. Two other competing golf course design firms, Conroy-Dewling Associates, Inc. and Lori Viola, were also invited to bid upon the Golf Course Project and submit proposals.
- 22. Upon information and belief, Conroy-Dewling Associates, Inc. declined to submit a proposal in response to Troy's request for proposal.
- 23. Childs, Treadwell Golf and Featherstone agreed that Troy Golf, absent the participation of Biltmore Homes, would develop and submit to Troy a proposal for the development and construction of the Golf Course Project as a "turnkey" design and construction project, reiterating their prior agreement as set forth in ¶17 other than as that agreement included and pertained to Biltmore Homes.
- 24. Biltmore Homes withdrew from Troy Golf, and from participation in the Golf Course Project, due to the decision of Troy that the Golf Course Project was not to include a residential component.

The Proposal and Work Completed by Childs

- 25. In response to the request for proposal from Troy, and in reliance upon and in furtherance of the agreement of the parties as more specifically set forth in ¶17, Childs, for the benefit of Troy Golf and without material assistance, expenditure of time or resources from either Treadwell Golf or Featherstone, performed, amongst other things, the following services:
- a. Prepared, packaged, and submitted to Troy, a detailed proposal for design, development and construction of the Golf Course Project;

LAW OFFICES
STEVEN B. HAFFNER
& ASSOCIATES
PROFESSIONAL CORPORATION
30300 NORTHWESTERN HWY:
SUITE 310
**ARMINGTON HILLS, MI 48334

- b. Prepared, packaged, and submitted to Troy, as part of the proposal, a routing plan for the Golf Course Project;
- c. Prepared, packaged, and submitted to Troy, as part of the proposal, a detailed and comprehensive estimated construction budget for the Golf Course Project;
- d. Prepared, packaged, and submitted to Troy, as part of the proposal, a
 detailed and comprehensive estimated development time line for the Golf Course Project;
- e. Prepared, packaged, and submitted to Troy, as part of the proposal, a detailed and comprehensive clubhouse and pro shop rendition;
- f. Submitted to Troy, as part of the proposal, photographs of other Childs designed golf course facilities, as evidence of the nature of the projects previously designed by Childs and of the type of project which Childs would design on behalf of Troy;
- g. Prepared, packaged, and submitted to Troy, as part of the proposal, a detailed and comprehensive summary pro forma of development and operations for the Golf Course Project;
- h. Received, and, where necessary, responded to correspondence and other requests for information from Troy;
- i. Prepared and packaged all presentations of the proposal and other information to Troy, including, but not limited to "power point" presentations;
- i. Made all presentations to Troy, including but not limited to "power point" presentations"; and
- j. Acted as the point of contact with Troy with respect to the proposal and the Golf Course Project.

LAW OFFICES

STEVEN B. HAFFNER

& ASSOCIATES
PROFESSIONAL CORPORATION
30300 NORTHWESTERN HWY.
SUITE 310

FARMINGTON HILLS, MI 48334

- 26. The value of the foregoing services rendered to date by Childs, inclusive of its time, materials, and expenses advanced, is in excess of \$100,000.00.
- 27. The proposal, a copy of which is annexed hereto, marked Exhibit "A", and made a part hereof, was submitted to Troy on or about April 26, 2000 by Childs.
- 28. The proposal, approved prior to submission by Treadwell Golf and Featherstone, and their respective presidents, Treadewell and Wilson, provides, in pertinent part,

"Don Childs Associates, Inc. and Troy Golf, L.L.C. retains all copyrights, statutory and common law, regarding concept drawings, narrative information, and financial projections provided herein. The information and drawings may not be modified, reproduced or copied in any form, or transferred to any third party without the expressed written consent of Don Childs Associates, Inc. and the Troy Golf, L.L.C. All information and drawings provided in this proposal are corporate confidential and proprietary. Acceptance of this proposal for review constitutes acceptance of the statutes regarding the corporate confidential information provided within."

- 29. Throughout the entirety of the proposal process, inclusive of not only the written submissions to Troy, but also all oral presentations to Troy, it was always represented by Troy Golf that the proposal envisioned Childs as the architect of record with respect to the Golf Course Project, to the exclusion of all others.
- 30. On or about June 19, 2000, Troy, acting through the City Council, accepted the foregoing proposal of Troy Golf, unanimously and without modification.
- 31. Had Childs not engaged in the activities enumerated in ¶25, and in so doing expended its time, effort, and resources on behalf of Troy Golf, in furtherance of the agreement set forth in ¶17, Troy Golf's proposal would not have been accepted by Troy.

LAW OFFICES
STEVEN B. HAFFNER
& ASSOCIATES
PROFESSIONAL CORPORATION
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- 32. In accepting the proposal of Troy Golf, Troy insisted that Childs be the architect of record, due, in substantial part, to the materials prepared, packaged, and submitted by Childs, the presentations made by Childs, and Childs' experience and reputation as a golf course designer and architect.
- 33. Treadwell Golf and Featherstone, and each of Treadwell and Wilson, were accorded a high degree of trust and confidence by Childs, were entrusted by Childs to act in furtherance of their agreement and understanding, and to conduct the business of Troy Golf in a manner which would be loyal to the interests of Childs and the limited liability company.

Treadewll Golf's Appropriation of the Golf Course Project

- 34. At some time during the month of June, 2001, on a date unknown to Childs, Treadwell Golf and Featherstone, through Treadwell and Wilson, without notice to and without the authorization or knowledge of Childs, breached their duties to Childs and the limited liability company by systematically and surreptitiously appropriating the golf course architectural and design services of the Golf Course Project to their own benefit, to the exclusion of Childs. The wrongful actions of Treadwell Golf, Featherstone, Treadwell, and Wilson, include, but are not limited to the following:
- a. Upon information and belief, directly contacting Troy and making false and fraudulent representations to Troy concerning the role of Childs in the Golf Course Project and the limited liability company;
- b. Appropriating, or attempting to appropriate, the design and architectural contract for the Golf Course Project to the benefit of Treadwell Golf, to the exclusion of Childs;

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- c. Conspiring to and freezing Childs out of the limited liability company, notwithstanding the agreement of the parties as set forth in ¶17;
- d. Requesting of Troy that the draft contract between Troy and Troy Golf be delivered to Treadwell Golf, not to Childs, notwithstanding that Childs had been the point of contact with Troy throughout the proposal stage;
- e. Intentionally and surreptitiously refusing to report to Childs the receipt of the foregoing draft contract or the contents and terms thereof;
- f. Intentionally and surreptitiously refusing to report to Childs any other activities of the limited liability company, or of themselves, with respect to the Golf Course Project;
- g. Refusing to recognize Childs as the architect of record with respect to the Golf Course Project.
- 35. All of the wrongful actions of Treadwell Golf and Featherstone as described in ¶34 herein were systematically and surreptitiously conducted while they were members of, and of Treadwell and Wilson while they were managers of, Troy Golf, and prior to Childs being informed or having any knowledge of Treadwell Golf's, Featherstone's, Treadwell's, and Wilson's intentions or actions described herein.
- 36. As of the date of this Verified Complaint, it is the information and belief of Childs that Treadwell Golf and Featherstone, and Treadwell and Wilson, are in the process of continuing to undertake to cause a contract to be executed either between Troy and Troy Golf, or alternatively between Troy and another entity with which Childs is not affiliated, a design and

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development agreement which excludes Childs as architect of record, and as a participant, with respect to the Golf Course Project.

- 37. In furtherance of their scheme to appropriate to their own benefit, and to the exclusion of Childs, the foregoing Golf Course Project, Treadwell Golf and Featherstone, and Treadwell and Wilson, have used and benefitted from, and continue to use and benefit from, those services rendered by Childs as more specifically set forth in \$\frac{1}{2}\$5.
- 38. In furtherance of their scheme to appropriate to their own benefit, and to the exclusion of Childs, the foregoing Golf Course Project, Treadwell Golf and Featherstone, and Treadwell and Wilson, have wilfully and intentionally acted in derogation of the corporate confidentiality provisions of the proposal, which provisions are more fully set forth in ¶28.
- 39. The wrongful actions and the appropriation of the Golf Course Project from Troy Golf, or, alternatively, the freezing out of Childs from the Golf Course Project, participation in Troy Golf, and the architectural and design component of the Golf Course Project, by Treadwell Golf and Featherstone, and Treadwell and Wilson, as more specifically described in ¶34, have caused and will continue to cause Childs to suffer damages, including, but not limited to, lost proceeds from the rendering of design and architectural services for the Golf Course Project, lost proceeds from participation in the construction management fee to be paid to Troy Golf with respect to the project, consulting fees to be paid in connection with the Golf Course Project, and irreperable damages in the form of lost or diminished business relationships and associations, lost good will and professional standing in the golf community, and the inability to utilize the confidential information contained in the proposal and other printed materials delivered to Troy

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by Childs which were wrongfully appropriated by Treadwell Golf and Featherstone, and Treadwell and Wilson.

FIRST CLAIM FOR RELIEF - BREACH OF FIDUCIARY DUTY

- 40. Plaintiff repeats and realleges each of the allegations contained in ¶1-39 above as though fully set forth herein.
- 41. As members of Troy Golf, Treadwell Golf and Featherstone, and as managers of Troy Golf, Treadwell and Wilson, owed to Troy Golf and Childs a fiduciary duty, including the obligation to act with utmost good faith and loyalty in their dealings with Troy Golf and Childs.
- 42. Each of Treadwell Golf, Treadwell, Featherstone and Wilson breached their fiduciary duties to Troy Golf and Childs by taking those actions described in ¶34 above.
- 43. As a direct and proximate result of that breach, Childs has been irreparably damaged and will continue to suffer damages unless and until the court grants the relief requested herein.

SECOND CLAIM FOR RELIEF - MISAPPROPRIATION OF CONTRACTUAL RELATIONSHIPS

- 44. Plaintiff repeats and realleges each of the allegations contained in ¶1-43 above as though fully set forth herein.
- 45. The proposal submitted to and accepted by Troy envisioned Childs, to the exclusion of all others, being awarded, by Troy Golf, the design/architectural contract for the Golf Course Project, and that Childs would participate in Troy Golf and the profits of Troy Golf as hereinabove alleged. It was the reasonable expectation of Childs that Childs would receive the foregoing design/architectural contract, would participate in Troy Golf as a member/manager

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and participate in the profits derived by Troy Golf, and that Childs would receive the benefits, both financial and otherwise, from the foregoing.

- 46. Treadwell Golf and Featherstone, and Treadwell and Wilson, knew of the contractual relationships which existed between Childs and Troy Golf, Treadwell Golf and Featherstone, and between Troy Golf and Troy with respect to the Golf Course Project.
- 47. Treadwell Golf and Featherstone, and Treadwell and Wilson, intentionally interfered with those contractual relationships by inducing or causing Troy to contract directly with Treadwell Golf or with another entity in which Childs is not a participant, or, in the alternative, freezing Childs out of Troy Golf and preventing Childs from being named architect of record with respect to the Golf Course Project.
- 48. As a direct and proximate result of Treadwell Golf's, Featherstone's, Treadwell's and Wilson's interference with these contractual relationships, Childs has been irreparably damaged and will continue to suffer damages unless and until the court grants the relief requested herein.

THIRD CLAIM FOR RELIEF - MISAPPROPRIATION OF BUSINESS OPPORTUNITY

- 49. Plaintiff repeats and realleges each of the allegations contained in ¶¶1-43 above as though fully set forth herein.
- 50. As members of Troy Golf, and fellow members of that entity with Childs,
 Treadwell Golf and Featherstone, and as managers of Troy Golf, Treadwell and Wilson, were
 obligated not to wrongfully appropriate for their own benefit business opportunities of Troy Golf
 and Childs.

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- The design/architectural contract as well as participation in the profits of Troy

 Golf which would be realized as a result of Childs' membership in Troy Golf, were opportunities
 which Childs would have realized but for the wrongful actions of Treadwell Golf and

 Featherstone, and Treadwell and Wilson.
- 52. By taking the actions set forth in ¶34 above, Treadwell Golf and Featherstone, and Treadwell and Wilson have breached their duties to Troy Golf and Childs by wrongfully appropriating the business opportunities for their own individual pecuniary benefit.
- 53. As a direct and proximate result of Treadwell Golf's, Featherstone's, Treadwell's and Wilson's actions aforesaid, Childs has been irreparably damaged and will continue to suffer damages unless and until the court grants the relief requested herein.

FOURTH CLAIM FOR RELIEF - MISAPPROPRIATION OF CONFIDENTIAL INFORMATION

- 54. Plaintiff repeats and realleges each of the allegations contained in ¶¶1-53 above as though fully set forth herein.
- 55. The proposal submitted to Troy, as well as the routing plan, estimated construction budget, estimated development time line, clubhouse and pro shop renditions, photographs, summary pro forma financial projections, and power point presentations were known by Treadwell Golf, Treadwell, Featherstone and Wilson to contain highly confidential information.
- 56. Treadwell Golf, Treadwell, Featherstone and Wilson have misappropriated the confidential information without Childs' authorization for their own pecuniary benefit.

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57. As a direct and proximate result of Treadwell Golf's, Featherstone's, Treadwell's and Wilson's actions aforesaid, Childs has been irreparably damaged and will continue to suffer damages unless and until the court grants the relief requested herein.

FIFTH CLAIM FOR RELIEF - BREACH OF CONTRACT

- 58. Plaintiff repeats and realleges each of the allegations contained in ¶¶1-57 above as though fully set forth herein.
- 59. In refusing to award Childs the design/architecture contract for the Golf Course Project, and in freezing Childs out of Troy Golf as aforesaid, Treadwell Golf and Featherstone have breached their agreement described in ¶17.
- 60. As a direct and proximate result of Treadwell Golf's, and Featherstone's breach of contract, Childs has been irreparably damaged and will continue to suffer damages unless and until the court grants the relief requested herein.

SIXTH CLAIM FOR RELIEF- UNJUST ENRICHMENT

- 61. Plaintiff repeats and realleges each of the allegations contained in ¶¶1-60 above as though fully set forth herein.
- 62. The agreed and fair and reasonable value of the services performed by Childs on behalf of Troy Golf and/or Troy, for which Childs has not been paid, together with the uncollected disbursements made by Childs on Troy Golf's and/or Troy's behalf, is not less than \$100,000.00. No part of this amount has been paid to Childs.
- 63. By reason of the foregoing, defendants Troy Golf and/or Troy owe Childs not less than \$100,000.00 Dollars.

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SEVENTH CLAIM FOR RELIEF-INJUNCTIVE RELIEF/CITY OF TROY

- 64. Plaintiff repeats and realleges each of the allegations contained in ¶¶1-63 above as though fully set forth herein.
- 65. Troy, in accepting the proposal prepared by Childs on behalf of Troy Golf, agreed that Childs was to be the architect/designer of record for the Golf Course Project.
- 66. Troy has, upon information and belief, prepared and issued to Troy Golf, through Treadwell Golf and/or Featherstone, and at the insistence of Treadwell and/or Wilson, a draft contract which excludes Childs as the project architect/designer of record.
- 67. Upon information and belief, the aforesaid proposed contract has not yet been executed by Troy.
- 68. If executed, in the form proposed, the contract will deprive Childs of the design/architectural contract with respect to the Golf Course Project and Childs will suffer irreparable damage and injury as aforesaid.
 - 69. Childs has no adequate remedy at law.
- 70. Unless enjoined and restrained by order of this court, if Troy awards the Golf Course Project contract as currently intended, to the exclusion of Childs as designer/architect of record, Childs will be irreparably injured and damaged.

<u>EIGHTH CLAIM FOR RELIEF-MONEY DAMAGES - TORTIOUS INTERFERENCE</u> WITH FINANCIAL EXPECTANCY

71. Plaintiff repeats and realleges each of the allegations contained in ¶¶1-70 above as though fully set forth herein.

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- 72. Upon information and belief, the conduct of Treadwell Golf, Treadwell,
 Featherstone and Wilson caused Troy to prepare and propose to execute, and perhaps to execute,
 a contract for the design, development and construction of the Golf Course Project, based upon
 the proposal and other confidential materials prepared by Childs, which excludes Childs from
 participation in the Golf Course Project.
- 73. The conduct of Treadwell Golf, Treadwell, Featherstone and Wilson was intended to disrupt Childs' business relationship with Troy and with Troy Golf.
- 74. The conduct of Treadwell Golf, Treadwell, Featherstone and Wilson was improper and unlawful as it was done with the purpose of interfering with and disrupting Childs' business relationships with Troy and with Troy Golf, in a manner favorable to Treadwell Golf, Treadwell, Featherstone and Wilson.
- 75. As a direct and proximate result of Treadwell Golf's, and Featherstone's interference with Childs' financial expectations and business relationships, Childs has been irreparably damaged and will continue to suffer damages unless and until the court grants the relief requested herein.

NINTH CLAIM FOR RELIEF-APPOINTMENT OF RECEIVER

- 76. Plaintiff repeats and realleges each of the allegations contained in ¶1-76 above as though fully set forth herein.
- 77. The appointment of a receiver over the business and affairs of Troy Golf is necessary to prevent the immediate and irreparable damage aforesaid.

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WHEREFORE, Don Childs Associates, Inc. prays as follows:

- A. That this court issue, *ex-parte*, its temporary restraining order prohibiting, enjoining and restraining, during the pendency of this cause or until further order of the court, Troy, Troy Golf and/or Treadwell Golf, Treadwell, Featherstone, and Wilson from entering into any contract for the design, development and construction of the Golf Course Project which does not expressly designate Childs as the designer/architect of record, in accordance with the proposal;
- B. In the alternative, that this court issue, *ex-parte*, its order to show cause requiring each of Troy, Troy Golf, Treadwell Golf, Treadwell, Featherstone, and Wilson to appear on twenty-four (24) hours written notice and show cause, if any there be, (i) why they should not be prohibited, enjoined and restrained, during the pendency of this cause or until further order of this court, from entering into any contract for the design, development and construction of the Golf Course Project which does not expressly designate Childs as the designer/architect of record, in accordance with the proposal, and (ii) why a receiver should not be appointed over the business and affairs of Troy Golf during the pendency of this cause;
- C. That this Court issue, upon final hearing in this cause, its permanent injunction prohibiting, enjoining and restraining each of Troy, Troy Golf, Treadwell Golf, Treadwell, Featherstone, and Wilson from entering into any contract for the design, development and construction of the Golf Course Project which does not expressly designate Childs as the designer/architect of record, in accordance with the proposal.
 - D. That this court appoint a receiver over the business and affairs of Troy Golf;

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- E. That this court order defendants Troy Golf, Treadwell Golf, Treadwell,

 Featherstone, and Wilson, and each of them, to provide to Childs a complete accounting of all

 contracts made and entered between each or any of them with Troy, with respect to the Golf

 Course Project, and to specifically account for any revenues received, or to be received, by any of
 them with respect to the said Golf Course Project;
- F. That this court restrain and enjoin Troy Golf, Treadwell Golf, Treadwell,

 Featherstone, and Wilson, and each of them, from dissipating any proceeds received by any of
 them from Troy relating to or with respect to the Golf Course Project, and order the said
 defendants to hold such proceeds in trust for the benefit of Troy Golf and Childs during the
 pendency of this cause;
- G. That this court order, upon conclusion of this cause, that any and all proceeds received by Troy Golf, Treadwell Golf, Treadwell, Featherstone, and Wilson, and each or any of them, relating to or with respect to the Golf Course Project, be paid over to Childs;
- H. That this court order, upon conclusion of this cause, specific performance of the agreement between Childs, Treadwell Golf, and Featherstone, as more fully described in ¶17 above;
- I. That judgment enter in favor of Childs and against Treadwell Golf, Featherstone, Treadwell, and Wilson, jointly and severally, in an amount not less than \$1,420,000.00, exclusive of costs, interest and attorneys fees, on Childs' first, second, third, fourth, fifth and eighth claims for relief;
- J. That judgment enter in favor of Childs and against Troy Golf, Featherstone,
 Treadwell, and Wilson, jointly and severally, in an amount not less than \$1,420,000.00, exclusive

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of costs, interest and attorneys fees, on Childs' first, second, third, fourth, fifth and eighth claims for relief;

- K. That judgment enter in favor of Childs and against Troy Golf in an amount not less than \$100,000.00, exclusive of costs, interest and attorneys fees, on Childs' sixth claim for relief;
- L. That Childs be awarded exemplary damages in an amount to which it is found to be entitled, interest, and its costs, and attorney's fees incurred in prosecution of this suit, as against Troy Golf, Featherstone, Treadwell, and Wilson, jointly and severally; and
- M. That Childs be awarded such other and further relief to which it may be entitled. "I DECLARE THAT THE STATEMENTS ABOVE ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF."

Donald Childs, President, Don Childs Assoc., Inc.

STEVEN B AAFFNER & ASSOCIATES, P.C.

By:

STEVEN B. HAFFNER (P24794)

Attorney for Plaintiff

30300 Northwestern Hwy., #310

Farmington Hills, MI 48334

(248) 932-3500

Dated: July 6, 2001

C:\Data\WPData\CHILDS\TROY DISPUTE\PLEADINGS\COMPLAIN

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SUITE 310

ARMINGTON HILLS, MI 48934

To:

The Honorable Mayor and City Council

From:

John Szerlag, City Manager

Gary Shripka, Assistant City Manager/Services

Nino Licari, City Assessor

Steven J. Vandette, City Engine

Subject:

Special Assessment Paving Projects - Change in Due Date

Project No. 93.932.3 – Daley, Big Beaver to the North Project No. 99.117.1 – Forthton, Livernois to the West Project No. 00.102.1 – Finch, Wattles to the South Project No. 00.110.1 – Harris, Rochester to the West

The table below summarizes the current due dates and the requested due dates for the first payment for the Special Assessment paving projects:

PROJECT	CURRENT DUE DATE	REQUESTED DUE DATE
Daley, Big Beaver to the North	August 1, 2001	January 1, 2002
Forthton, Livernois to the West	August 1, 2001	January 1, 2002
	September 1, 2001	January 1, 2002
Harris, Rochester to the West	September 1, 2001	January 1, 2002

These SAD projects are currently in the final stages of design, with completion of the bid documents by the end of July. Bids will be taken in August with an award to City Council at their meeting of August 20, 2001. Construction is projected to start after Labor Day with a completion date of November 16, 2001. Final cleanup and restoration as needed would be completed in the spring of 2002.

Staff recommends that the first payments for the Special Assessment paving projects listed above be delayed until January 1, 2002 in order that the physical construction may take place prior to any payments being made.

DATE: May 1, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager

Gary A. Shripka, Assistant City Manager/Services

Mark Miller, Interim Planning Director

Mark Stimac, Director of Building and Zoning

SUBJECT: Request for Temporary Trailer

Suburban Volkswagen

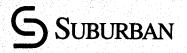
1804 Maplelawn

We have received a request from Richard Clift, General Manager for the Suburban Collection, to temporarily place an office trailer at the location of the new Suburban Volkswagen at 1804 Maplelawn. The purpose of the trailer is to house the dealership operations until the current renovation project is completed. Mr. Clift's letter indicates that they should not need to use the trailer beyond November 1, 2001.

Chapter 47 of the City Code allows Council to approve the placement of temporary office trailers on commercial sites for a period up to twelve months.

We have reviewed their request and find the proposed location on the site to be in compliance with setback requirements. A copy of a portion of the site plan showing the location of the trailer is enclosed for your reference. Approval of the request for the temporary trailer is recommended.

Attachments



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JUL 1 2 2001

BUILDING DEPARTMENT

Suburban Import Center Nissan Volkswagen Mazda Subaru

July 12, 2001

P.O. Box 909 1800 Maplelawn Drive Troy, Michigan 48099 248.649.2300

City of Troy 500 West Big Beaver Troy, Michigan 48084 Attn. Mark Steiback

RE: Temporary Mobile Office Trailer Permit

Mr. Steiback:

The purpose of this document remains to request the City of Troy permit the temporary use of a mobile office trailer while the Suburban Collection-Suburban Volkswagen completes the renovation of the existing structure located at 1804 Maplelawn, Troy, Michigan. As indicated by the enclosed drawing, this mobile office will assume an approximate 12 X 60 ft. area of existing customer parking, just east of the construction project. The primary use of this mobile office remains to facilitate the training of a sales manager and a group of sales consultants, who will then occupy the new facility upon completion. Based on favorable weather conditions and the completion of the project, use of the mobile office should not exceed November 1, 2001.

Your immediate consideration and approval during the July 23rd council meeting would be greatly appreciated. Should you need any questions or require additional information, please do not hesitate to contact me as your earliest convenience.

Sincerely yours,

Richard S. Clift - General Manager

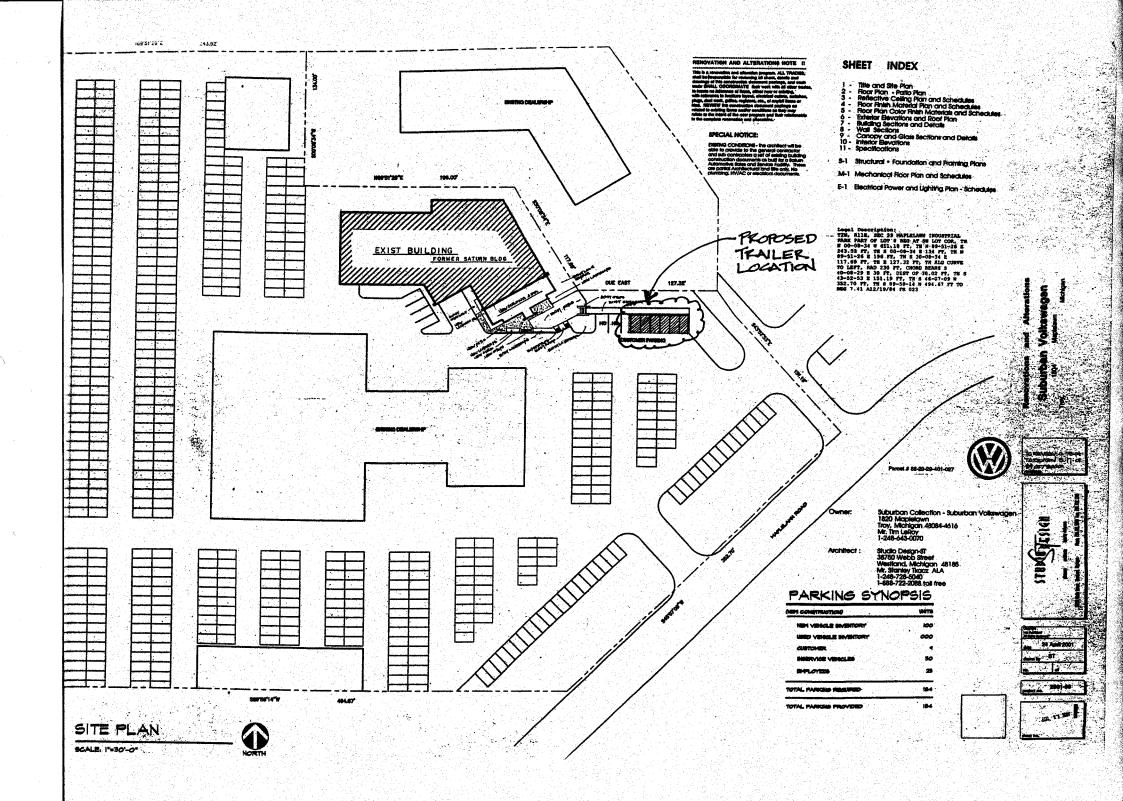
cc: Tim LeRoy - Suburban Collection

nd S. Cufo

Member of The Suburban Collection

Saturn of Grand Rapids
Saturn of Holland
Saturn of Kalamazoo
Saturn of Southgate
Saturn of Troy
Suburban Acura
Suburban Chrysler Jeep
Suburban Honda
Suburban Import Center
Suburban Infiniti
Suburban Oldsmobile Cadillac Buick
Suburban Toyota
Suburban Volvo
Fischer Body Refinishing
Fischer Body Refinishing West

make the choice



To:

The Honorable Mayor and City Council

From:

John Szerlag, City Manager

Gary Shripka, Assistant City Manager/Services

Steven J. Vandette, City Engineer

Subject:

John R & 14 Mile Enhancement Project

Cost Participation Agreement with Madison Heights

Contract No. 01-1

The John R and 14 Mile project is a beautification project that will provide landscaping and brick paver features on the medians and parkway extensions along John R Road, north of 14 Mile, and on 14 Mile Road east and west of John R. The project will also eliminate the existing clutter of different poles and signs on the roadway with removal of overhead and ground site direction signs by the Road Commission for Oakland County.

These improvements will provide a more pleasing environment to motorists traveling and shopping in this area and will complement recent renovations at Oakland Mall and at several other properties in the area. This enhancement project is the result of numerous meetings between the cities of Troy, Madison Heights and the area property owners and we are all very pleased to see this move forward. Work has started on the project and is projected to be completed by late August 2001. The contract for this work was approved by Resolution #2001-04-203-E-9 (b).

Attached please find the proposed "Cost Participation Agreement" with the City of Madison Heights. The terms and conditions of this agreement are commensurate with those approved by previous resolution. Madison Heights City Council executed the agreement at their meeting of June 26, 2001.

A question was asked of staff relative to the split of the participating and non-participating costs for the project. The City of Troy is responsible for 100% of the non-participating costs based on the items of work entailed. Street lighting and irrigation account for all of the non-participating items of work as part of this contract. There will be new street lights installed along John R, north of 14 Mile in the City of Troy. No street light work will take place in the City of Madison Heights. As this is a landscaping/beautification project, irrigation is necessary to provide for watering of the plantings. As a part of the original grant application, and all enhancement grant projects, the local agency must provide for a maintenance program to ensure a normal life expectancy of the project. At the onset of the project, the City of Troy agreed to provide the maintenance for the improvements made in the project area through the various City departments.

Staff recommends that City Council approve the attached Cost Participation Agreement with the City of Madison Heights for the John R and 14 Mile Road Street Lighting and Landscaping project. Furthermore, staff recommends that the Mayor and City Clerk are authorized to execute the agreement.



City of Madison Heights

City Hall Municipal Offices 300 W. Thirteen Mile Road Madison Heights, MI 48071

Department of Public Services 801 Ajax Drive Madison Heights, MI 48071

Fire Department 340 W. Thirteen Mile Road Madison Heights, MI 48071 Police Department 280 W. Thirteen Mile Road Madison Heights, MI 48071

July 2, 2001

Steve Vandette, P.E. City Engineer – Troy 500 W. Big Beaver Rd. Troy, MI 48084

Signed Participation Agreements – 14 Mile Enhancement Project RE:

Dear Mr. Vandette,

The Madison Heights City Council approved the Cost Participation Agreement with Troy for the above-referenced project at their June 26, 2001 meeting. Attached are 4 copies of the agreement signed by our Mayor and City Clerk. Please return 2 copies of the agreement to my attention when signed by the appropriate Troy City officials.

If you have any questions please don't hesitate to call.

Sincerely,

THE CITY OF MADISON HEIGHTS

l**a**mes T. Schafer. AICP

Community Development Director

RECEIVED

JUL - 5 2001

ENGINEERING

	Area Code (248)	
City Assessor 583-0820 City Clerk 583-0826 City Manager 583-0829 Community Development 583-0831 Department of Public Services 589-2294 Finance 583-0846	Fire Department 588-3605 43rd District Court 583-1800 Housing Commission 583-0843 Library 588-7763 Branch Library 541-7880 Mayor & City Council 583-0829	Personnel 583-0828 Police Department 585-2100 Purchasing/Public Assistance 583-0830 Recreation 589-2294 Senior Citizen Activity Center 545-3464 Water & Treasurer 583-0845

COST PARTICIPATION AGREEMENT Construction

14 Mile Road, I-75 to 840 ft. East of John R &

John R, 14 Mile to 3040 ft. North of 14 Mile
City of Troy & City of Madison Heights

	This agreement is entered into	this	day of	i	, 20	01, by
and 1	between the City of Troy (TROY)	and the	City of Madison	Heights (MA	DISON	
HEI	GHTS).					

WHEREAS, TROY and MADISON HEIGHTS, in cooperation with the Michigan Department of Transportation (MDOT), have programmed the enhancement of 14 Mile Road, I-75 to 840 ft. east of John R and John R Road, 14 Mile to 3040 ft. North of 14 Mile in the City of Troy and the City of Madison Heights, (PROJECT), described in the attached Exhibit A, which is incorporated into this agreement; and

WHEREAS, the proposed PROJECT area is under the jurisdiction of both MADISON HEIGHTS and TROY; and

WHEREAS, MDOT requires only one legal entity enter into a contract for road construction, and further requires one entity to assume responsibility for compliance with the contract, and TROY has entered into an agreement for the PROJECT with MDOT, and is willing to enter into a separate contract with MADISON HEIGHTS to address the individual responsibilities of TROY and MADISON HEIGHTS; and

WHEREAS, TROY has entered into an agreement with MDOT, Contract No. 01-5162, for partial funding of the PROJECT with Federal Highway Administration funds (Transportation Enhancement Activities), after reaching a mutual understanding with MADISON HEIGHTS as to the cost sharing of the PROJECT, which is reflected in this agreement; and

WHEREAS, TROY and MADISON HEIGHTS agree to share in the financial responsibility for all costs of the PROJECT in excess of federal funds, which is herinafter referred to as the LOCAL MATCH; and

WHEREAS, in conjunction with the completion of the PROJECT, TROY and MADISON HEIGHTS have requested additional construction items, including but not limited to the items attached in Exhibit B (NON PARTICIPATING COSTS); and

WHEREAS, the estimated cost of the NON PARTICIPATING COSTS is \$561,803, which is inclusive of estimated engineering costs; and

WHEREAS, the NON PARTICIPATING COSTS are the sole responsibility of TROY;

NOW THEREFORE, in consideration of the mutual covenants set forth herein and in conformity with applicable law, IT IS HEREBY AGREED:

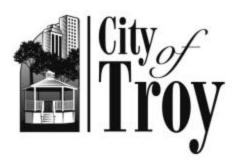
1.	TROY will assume coordination responsibility for the PROJECT, and will perform all engineering, inspection, and administration for the PROJECT.
2.	TROY's financial responsibility for the LOCAL MATCH of the PROJECT, pursuant to MDOT Contract Number 01-5162, is attached as Exhibit A, which is incorporated into this agreement.
3.	MADISON HEIGHTS' financial responsibility for the LOCAL MATCH of the PROJECT at an estimated amount of \$43,838, is attached as Exhibit B, which is incorporated into this agreement.
4.	The actual cost of the PROJECT shall include total payments for the necessary contractor(s), engineering and inspection, signals, signing and utility relocation.
5.	Upon execution of this agreement, MADISON HEIGHTS shall pay TROY \$10,959 within 30 days, which is 25% of MADISON HEIGHTS' estimated LOCAL MATCH responsibility.
6.	TROY will thereafter invoice MADISON HEIGHTS periodically as additional costs accrue, after the initial \$10,959 payment has been paid.
7.	Upon completion of the state financial audit of the PROJECT, TROY will determine the total actual PROJECT cost and submit invoices for any remainder of MADISON HEIGHTS' share of the LOCAL MATCH.
8.	Upon receipt of said invoices, MADISON shall pay to TROY the full amount thereof, within thirty (30) days of such receipt.
CITY OF TROY	CITY OF MADISON HEIGHTS
Ву:	By: Edward C. Swanson
Its:	Its: Mayor
Ву:	By: Augldni A. Flack Geraldine A. Flack
Its:	Its: City Clerk

Exhibit B John R and 14 Mile Road Lighting & Landscaping City of Troy

CONTRACTED WORK (based on As-Bid unit prices and estimate of quantities submitted to MDOT)

Part A		Part B		TOTAL	
\$ 561,803	⇔	343,528	€9	905,331	
COST PARTICIPATION					
61,798 9,270					
71,068 27,230					
43,838		·.	↔	43,838	
500,005	6	0.40			
75,001	9 69	543,528 51,529			
575,005 220,314	₩	395,057			
354,691	₩	395,057	₩	749,748	
	561,803 9ARTICIPATION 61,798 9,270 71,068 27,230 43,838 500,005 75,001 575,005 354,691	७	↔ ₩ ₩ ₩ ₩ ₩	\$ 343,528 \$ 343,528 \$ 51,529 \$ 395,057 \$ 395,057	\$ 343,528 \$ \$ 343,528 \$ 51,529 \$ 395,057 \$ 395,057 \$ \$ 395,057

Part A - Participating items of Work - Concrete Removal, Landscaping, Curb and Sidewalk Replacements Part B - Non Participating items of Work - Street Lights and Irrigation



July 17, 2001

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: LORI GRIGG BLUHM, ACTING CITY ATTORNEY

RE: LAWRENCE M. CLARKE INC. v. CITY OF TROY

Enclosed please find a copy of a demand for arbitration from Lawrence M. Clarke, Inc., a former contractor with the City of Troy. This dispute arises from the installation of underground water mains along Rochester Road. According to the demand, the Lawrence M. Clarke Company is seeking almost \$500,000 in damages, plus sanctions.

It should be noted that there is some history between the Lawrence M. Clarke Company and the City of Troy. The Clarke Company filed a recent lawsuit against the City and individual employees, essentially alleging malicious prosecution and conversion of equipment. The malicious prosecution claim was dismissed, since one of the Clarke employees pled guilty to illegal tampering with the City's water system. The only claim that survived was the conversion of equipment, which was taken by the City at the time of this incident. Although the City notified Clarke several times of the procedure to claim the equipment, no action was taken.

Similarly, in our preliminary investigation, it appears that the Clarke Company failed to provide requested documentation to support their substantial claim for extras. These extras total approximately \$450,000, many of which were actually included in the contract between the parties. Our Engineering Department also reports that the Clarke Company failed to satisfactorily complete the contract, and several punch list items were completed by the City and outside contractors.

The City Attorney's Office will handle defense of this matter absent objections from City Council. If you have any questions concerning the above, please let me know.

American Arbitration Association

Commercial Arbitration Rules

To institute proceedings, please send two copies of this demand and the arbitration agreement, with the filing fee as provided in the rules, to the AAA. Send the original demand to the respondent.

		Tu 1 tr 0 2001
911		DATE: July 9, 2001
TO: Name City		
Address _50	00 West Big Beaver (of the Party on Whom	the Demand Is Made)
City and Stat		ZIP Code_48084-5285
		Fax (248) 524-0851
•	Name of Representative _Steve VanI	ette/Ken Belwood
		(if Known)
	Representative's Address Same as a	
	Name of Firm (if Applicable) City and StateSame	
Lindberg State Control	Telephone () Same	
1996	and providing for arbitration under	ontained in a written contract, dated $rac{ t April 8}{ t B}$, the Commercial Arbitration Rules of the America
Arbitration Assoc	ciation, hereby demands arbitration thereund	er.
THE NATURE OF TH	HE DISPUTE: See attached	
THE CLAIM OR REI	LIEF SOUGHT (the Amount, if Any): See att	ached
	E ARISE OUT OF AN EMPLOYMENT RELATIONSHIP	
TYPES OF BUSINESS	: Claimant General Undergound Contract	or Respondent Municipal/City of Troy
Hearing Locale	Requested: Southfield, Michigan	•
		(City and State)
You are hereb	by notified that copies of our arbitration agr	(City and State) eement and this demand are being filed with th
You are hereb American Ar) i ra	by notified that copies of our arbitration agration Association at its Southfield, MI office	(City and State) eement and this demand are being filed with the, with a request that it commence administration
You are hereb American Arkitra of the arbitration.	by notified that copies of our arbitration agration Association at its Southfield, MI office. Under the rules, you may file an answering	(City and State) eement and this demand are being filed with the, with a request that it commence administration statement within fifteen days after notice from the
You are hereb American Arbura of the arbitration. AAA.	by notified that copies of our arbitration agration Association at its Southfield, MI office	(City and State) eement and this demand are being filed with thee, with a request that it commence administration statement within fifteen days after notice from the
You are hereb American Ar) i ra	oy notified that copies of our arbitration agration Association at its <u>Southfield</u> , <u>MI</u> office. Under the rules, you may file an answering (May Be signed by a Representative) Steven W. Signed by a Representative (May Be signed by a Representative)	(City and State) eement and this demand are being filed with the ce, with a request that it commence administration statement within fifteen days after notice from the Title Attorney for Lawrence M. Clarker amosiuk
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You are hereb American Arbura of the arbitration. AAA.	oy notified that copies of our arbitration agration Association at its Southfield, MI office. Under the rules, you may file an answering (May Be signed by a Representative) Steven W. Southfield (P4102) Name of Claimant Lawrence M. Clarke Address (to Be Used in Connection with This Case) 5	(City and State) eement and this demand are being filed with the ce, with a request that it commence administration statement within fifteen days after notice from the Title Attorney for Lawrence M. Clark amosiuk 1) e, Inc. 0850 Bemis Road
You are hereb American Arbura of the arbitration. AAA.	oy notified that copies of our arbitration agration Association at its Southfield, MI office. Under the rules, you may file an answering (May Be signed by a Representative) Steven W. Signed by a Representative Steven W. Signed Ballowick MI (P4102) Address (to Be Used in Connection with This Case). Signed State Belleville, MI	(City and State) eement and this demand are being filed with the e, with a request that it commence administration statement within fifteen days after notice from the Title Attorney for Lawrence M. Clark amosiuk 1) 2, Inc. 0850 Bemis Road ZIP Code 48111-9763
You are hereb American Arbitra of the arbitration. AAA.	May Be signed by a Representative) Steven W. Si (P4102) Name of Claimant Lawrence M. Clarko Address (to Be Used in Connection with This Case) 50 City and State Belleville, MI Telephone (734) 481–1565	(City and State) eement and this demand are being filed with the e, with a request that it commence administration statement within fifteen days after notice from the Title _Attorney for Lawrence M. Clark amosiuk 1) e, Inc. 0850 Bemis Road ZIP Code48111-9763 Fax (734) 481-8795
You are hereb American Arbitra of the arbitration. AAA.	May Be signed by a Representative) Steven W. S. (P4102) Name of Claimant Lawrence M. Clarke Address (to Be Used in Connection with This Case) 5: City and State Belleville, MI Telephone (734) 481–1565 Name of Representative Steven W. S.	(City and State) eement and this demand are being filed with the ce, with a request that it commence administration statement within fifteen days after notice from the Title Attorney for Lawrence M. Clarke amosiuk 1) 2) 2) 2) 2) 2) 2) 2) 2) 2)
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THE NATURE OF THE DISPUTE

Claimant Lawrence M. Clarke, Inc. performed and completed installation of underground water mains, including the installation of pipes, valves and other materials for Respondent City of Troy along Rochester Road and for the PRV pits. Respondent City of Troy at times during installation requested various changes and additional work, which Lawrence M. Clarke, Inc. performed. Respondent City of Troy agreed to pay for such work. Respondent City of Troy approved of and accepted the work and has utilized the water mains but to date has not paid Lawrence M. Clarke, Inc. the full contract amount and the amounts for the additional work. Lawrence M. Clarke, Inc. is requesting recovery and payment, plus interest, of all amounts still due and owing. In addition, Lawrence M. Clarke, Inc. under a conversion claim requests recovery of triple the value of all materials used and controlled by Respondent but for which Respondent has not paid.

THE CLAIM OR RELIEF SOUGHT

For Claimant's contract claims, Claimant requests all amounts not paid, which total \$190,322.75 plus interest for Rochester Road work, plus \$290,817.95 plus interest for the PRV work. In addition, Claimant seeks triple the value of all materials converted by Respondent.

CITY OF TROY

OAKLAND COUNTY, MICHIGAN

CONTRACT DOCUMENTS

FOR

CONTRACT No. 96-3

"ROCHESTER ROAD AND D.P.W. YARD WATER MAINS"

CITY OF TROY OAKLAND COUNTY, MICHIGAN SUPPLEMENTAL SPECIFICATIONS CONTRACT NO. 96-3

The contractor shall save and protect all trees in the project area. When a tree must be removed as determined by the engineer, the contractor will be paid at the unit price bid in the proposal to remove each tree. Trees under eight (8) inches in diameter shall be removed by the contractor as incidental to the contract.

If tree branches must be removed, as determined by the engineer, the branches shall be removed by the contractor in a manner acceptable to the engineer, as incidental to the project.

Concrete mixes shall be furnished and placed in accordance with the applicable requirements specified for concrete pavement, Sections 4.00 and 7.00 of the *M.D.O.T.* 1990 Standard Specifications for Construction.

For the Lanni Drain crossing, the contractor must used CL 56 ductile iron water main as shown on the plans.

Contractor must obtain a permit from the Oakland County Drain Commissioner's office for the Lanni (County) Drain crossing at Station 51 + 32 on Rochester Road. All fees, bonds and deposits needed shall be incidental to the project.

Any sump pump lines entering the right-of-way from private properties, if disturbed, shall be reconnected to the outlet pipes, and shall be incidental to the project.

All bituminous approaches, other than residential, shall receive six (6) inches of 21AA aggregate limestone base; five (5) inches of bituminous base mix no. 500, 20C in two (2) lifts; one and one-half (1½) inches of bituminous mix no. 1100L, 20AA and one and one-half (1½) inches of bituminous mix no. 1100T, 20AA as called for on the plans.

All concrete approaches and pavement replacement shall be restored with concrete of specified thickness (35HE high-early) placed over six (6) inches of 21AA aggregate limestone.

ARBITRATION:

All claims, disputes and other matters in question arising out of or relating to the contract documents or the breach thereof, except for claims which have been waived by the making and acceptance of final payment, shall be decided by arbitration in accordance with the construction industry arbitration rules of the American Arbitration Association. This agreement to arbitrate shall be specifically enforceable under the prevailing arbitration law.

The award rendered by the arbitrators shall be final and judgement may be entered upon it in any court having jurisdiction thereof.

ACCEPTANCE OF FINAL PAYMENT AS RELEASE:

The acceptance by the contractor of final payment shall be and shall operate as a release to the owner of all claims and all liability to the contractor other than claims in stated amounts as may be specifically excepted, in writing, by the contractor and owner for all things done or furnished in connection with this work and for every act and neglect of the owner and others relating to or arising out of this work.

CONTRACT

ARTIC	CLES OF AGREEMENT,	made and entered into this _8	th day of April
19 <u>96</u>	, by and between _	Lawrence M. Clarke, Inc.	Beleville, Michigan 48111
		Name	City, State
herein	after called the Contra	ctor and the City of Troy, Troy,	Michigan, hereinafter call the Owner.
	ESSETH, that the Con		considerations hereinafter named, agree a
1.	That all Contract Do attached or herein ref	cuments, as defined in "Gener erred to, shall be and are hereby	al Conditions" in the Specifications, heret made a part of, the agreement and contract
2.	The Contractor shall, necessary and perfor drawings, specification	under penalty of bond attache	d, furnish all labor, materials and equipment in his Proposal in strict accordance with the have been made a part of this Contract in the
3.	attached Fropusal, De	ing the product of the unit prices	the Contractor the amounts provided in the therein set forth, multiplied by the number of as set forth in the Contract Documents.
4.	In witness whereof, sa written.	aid parties have hereunto set their	r hands and seals, the day and year first above
WITNE	:ss·		
		<u></u>	awrence M. Clarke, Inc.
			Contractor
	my S. Larnel	- has	sidert.
7	()	##	Title
APPRO	WED.		
AFFRO	11- 1 -	A	00000
The second second second	James C. (Car)	BY: Al.	14 Clife
	City Manager		1
	Marie Wale	nadi	
/	City Engineer		The City of Troy
APPRO	OVED AS TO FORM AN	ID LEGALITY: BY:	owner Care M. Tune
	Velix a Leton	nam .	Meyor
	City Attorney	ALLESN	City Clerk

July 12, 2001

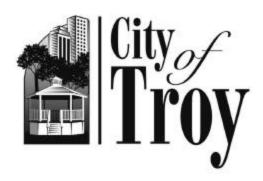
TO: The Honorably Mayor and City Council

FROM: John Szerlag, City Manager

SUBJECT: Request to Change Council Meeting Date

Because September 3 is Labor Day, we moved Council meetings to the second and fourth Mondays in September; the 10th and 24th respectively. Our first Council meeting in October will span one week from the last meeting in September. Since we're going to have back-to-back Council meetings anyway, I'd like to request that these meetings be held on September 10 and September 17. My reason for this request is that the International City Management Association (ICMA) national conference is going to be held during the week of September 24, and I will not miss a Council meeting to attend a conference.

Either way, this is not a big deal. If any one of you has a preference to meet on September 24, I simply won't make a request next Agenda to change the date. Therefore, please contact me should you have a concern with this matter.



July 18, 2001

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: LORI GRIGG BLUHM, ACTING CITY ATTORNEY

RE: RIGHT-OF-WAY LICENSE AGREEMENT WITH HONEYWELL

INTERNATIONAL ("HONEYWELL")

Attached is a proposed right-of-way license agreement with Honeywell, which contained these essential elements:

- 1. A one time license fee of \$2,000, and
- 2. Annual payments of \$975.00 beginning July 1, 2001.
- 3. Prohibition on transacting local business within the City.

Honeywell wishes to install fiber optic cable running from 900 W. Maple Avenue to 1746 Thunderbird, as depicted in Exhibit A of the agreement. The length of the fiber optic cable to be installed is 3,800 linear feet overground and 60 linear feet underground.

I recommend that City Council authorize the Mayor and City Clerk to execute the agreement.

If you have any questions or want further information, please let me know.

LGB/ps

RIGHT-OF-WAY LICENSE AGREEMENT

This Agreement is entered into this	day of	, 2001, by and
between the City of Troy, a Michigan Municip	al corporation	("City") and Honeywell
International ("Honeywell").		

PREMISES

A. Honeywell desires to place fiber optic cable ("cable") within the City right-of-way, as set forth in Exhibit "A".

B. Honeywell is required by the MCLA §247.183 and Chapter 62 of the Troy City Code to obtain consent from the City to place of cable within the public right-of-way. This consent is subject to compliance by Honeywell with all conditions, laws and regulations imposed by the City or other governmental agency.

ACCORDINGLY, THE PARTIES AGREE AS FOLLOWS:

1. Permission Granted.

- (a) Honeywell may install a fiber optic cable along the public right-of-way as set forth in Exhibit "A. However, this permission is subject to the terms and conditions of this agreement and the further exercise of the City's regulatory power to protect the public health, safety and welfare. This permission shall be granted for a term of fifteen (15) years from the date of execution. The agreement shall be renewable by written consent between the parties.
- (b) Honeywell shall, prior to construction or within thirty (30) days of the execution of this agreement, whichever comes first, file with the City Clerk, a letter(s) of credit or cash deposit in the amount required by City of Troy development standards based upon the construction cost of the lines to be installed in the streets, highways and public rights-of-way. Honeywell and the City Engineer shall make arrangements for the periodic release of the cash deposit or letter of credit in proportionate amounts as satisfactory progress is made.

2. Right-of-Way Construction Access.

For the reason that the streets, highways and public rights-of-way to be used in the operation of its fiber optic cable within the boundaries of the City are valuable public properties, acquired and maintained by the City at great expenses to its taxpayers, and that the grant of the use of said streets, highways and public rights-ofway is a valuable property right without which Honeywell would be required to invest substantial capital in right-of-way costs and acquisitions, Honeywell agrees to pay to the City:

- (a) Before commencing construction, a one-time fee of \$2,000.00; and
- (b) Annually in advance by July 1st, \$0.40 per linear foot of underground and \$0.25 per linear foot of overhead fiber optic cable installed under or over the roads, bridges, streets, public rights-of-way and easements in the City subject to review under Chapter 62. The first year's payment shall be pro-rated from the date of the start of construction; and
 - (c) The plan review and inspection fees required by Chapter 33 of Code.

3. Prohibited Uses.

Honeywell may not allow the use of the fiber optic cable to provide local exchange telephone service or cable television service to any retail customer in the City, or otherwise transact local business in the City.

4. Conflicts.

If any such state or federal law or regulation shall require Honeywell to perform any service in conflict with the terms of this agreement or of any law or regulation of the City, then as soon as possible Honeywell shall notify the City of the point of conflict believed to exist between such regulation or law and the laws and regulations of the City or the agreement. The laws of the State of Michigan and federal law will govern this agreement.

5. Severability.

If any provision of the agreement is held by any court of competent jurisdiction to be invalid as conflicting with any federal or state law, rule or regulation now or later in effect, or is held by such court to be modified in any way in order to conform to the requirements of any law, rule or regulation, the provision may be considered a separate, distinct and independent part of the agreement, and such holding shall not affect the validity or enforcement of all other provisions if the City so determines. In the event that such law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed, so that the provision which had been held invalid or modified is no longer in conflict with the law, rules or regulations said provision shall return to full force and effect and shall be binding on the parties.

6. Right to Modify.

If the parties determine that a material provision of this agreement is affected by action of a court or of the state or federal government, the parties shall have the right to modify any of the provisions to such reasonable extent as may be necessary to carry out the full intent and purpose of this agreement. Any subsequent modifications shall be made in writing.

7. Conditions of Street Occupancy.

Honeywell shall not engage in any construction in any street, highway or public right-of-way without first obtaining permits as required under Chapter 33 of the City Code, as amended, which applies to the installation of fiber optic cables within the public right-of-way.

8. Technical and Construction Standards.

Honeywell shall construct, install and maintain its fiber optic cable in a manner consistent and in compliance with all applicable laws, ordinances, construction standards, governmental requirements, and technical standards established by the Federal Communications or state agency. In any event, the fiber optic cable shall not endanger or interfere with the safety of persons or property within the City or other areas where Honeywell may have equipment located. All working facilities, conditions, and procedures, used or occurring during construction of the fiber optic cable shall comply with the standards of the Occupational Safety and Health Administration. Construction, installation and maintenance of a fiber optic cable shall be performed in an orderly and workmanlike manner, and in close coordination with public and private utilities serving the City following accepted industry construction procedures and practices and working through existing committees and organizations. All cable and wires shall be installed, where feasible, (as determined by the City Engineer), parallel with electric and telephone lines, and multiple cable configurations shall be arranged in parallel and bundled with due respect for engineering consideration. Honeywell shall join the Miss Dig program.

9. Maps, Records, and Reports.

Honeywell shall provide the City with current maps of its existing and proposed installations in a standardized or compatible format for use with the City's G.I.S. data system. Honeywell shall allow the City to make inspections of any facilities and equipment within the City's boundaries at any time upon three (3) days notice or, in case of emergency, upon demand without notice.

10. Transfer of Rights.

Honeywell may not transfer, sell or assign any part or portion of its interest in the agreement or in its cable without prior written approval of the City.

11. Removal.

- (a) Upon expiration of the agreement, if the agreement is not renewed, Honeywell may remove any underground cable from the streets which has been installed in such a manner that it can be removed without trenching or other opening of the streets along the extension of cable to be removed. Honeywell shall not remove any underground cable or conduit which requires trenching or other opening of the streets along the extension of cable to be removed, except as provided. Honeywell shall remove, at its sole cost and expense, any underground cable or conduit by trenching or opening of the streets along the extension or otherwise which is ordered to be removed by the City based upon a determination, in the sole discretion of the City, that removal is required in order to eliminate or prevent a hazardous condition or promote future utilization of the streets for public purposes. Honeywell shall file written notice with the City Clerk not later than thirty (30) calendar days following the date of expiration or termination of the agreement of its intention to remove cable and a schedule for removal by location. The schedule and timing of removal shall be subject to approval and regulation by the City. Underground cable and conduit in the streets and public rights-of-way which is not removed shall be deemed abandoned and title shall be vested in the City and Honeywell shall have no further liability.
- (b) Upon expiration, termination or revocation of this agreement, if the agreement is not renewed, Honeywell, at its sole expense, shall, unless relieved of the obligation by the City, remove from the streets all aboveground elements of the cable, including but not limited to pedestal mounted terminal boxes, and lines attached to or suspended from poles, which are not acquired by the City or its assignee. If the City consents to abandonment of facilities in place, Honeywell shall transfer title to the City and shall have no further liability.
- (c) Honeywell shall apply for and obtain such encroachment permits, licenses, authorizations or other approvals and pay such fees and deposit such security as required by applicable law or ordinance of the City, shall conduct and complete the work of removal in compliance with all such applicable laws or ordinances, and shall restore the streets and public rights-of-way to the same condition they were in before the work of removal commenced. The work of removal shall be completed not later than twelve (12) months.

12. Insurance.

Honeywell and any contractor hired by Honeywell to install, maintain, improve, restore or remove cable within the City right-of-way shall not commence work under this agreement until they have obtained the insurance required within this section. All insurance coverages shall be with insurance carriers acceptable to the City. If any insurance is written with a deductible or self-insured retention, Honeywell or contractor shall be solely responsible for said deductible or self-insured retention.

The purchase of insurance and the furnishing of a certificate of insurance shall not be a satisfaction of Honeywell's indemnification of the City. Honeywell is responsible to meet all MIOSHA requirements for on-the-job safety. Honeywell and any contractor hired by Honeywell shall procure and maintain during the life of this contract the following:

- (a) Workers Compensation Insurance in accordance with all applicable statutes of the State of Michigan. Coverage shall include Employers Liability Coverage.
- (b) Commercial General Liability Insurance n an "occurrence" basis with limits of liability not less than \$1,000,000 per occurrence and aggregate combined single limit. Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions:
 - 1. Contractual Liability
 - 2. Products and Completed Operations
 - 3. Independent Contractors Coverage
 - 4. Broad Form General Liability Extensions or equivalent
 - 5. Coverage for X, C and U hazards.
- (c) Motor Vehicle Liability Coverage, including Michigan No-Fault Coverages for all vehicles used in the performance of the contract. Limits of Liability shall not be less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage.
- (d) Additional Insured. Commercial General Liability Insurance as described above shall include an endorsement stating the following shall be an additional insured.

"The City of Troy, including all elected and appointed officials and employees, volunteers, boards, commissions and authorities and employees of such boards, commission and authorities solely as it relates to this agreement."

(e) Cancellation Notice. Workers' Compensation Insurance, Commercial General Liability Insurance, and Motor Vehicle Liability Insurance as described above shall include an endorsement stating that thirty (30) days advance written notice of cancellation, non-renewal, reduction and/or material change shall be sent to:

City of Troy City Attorney's Office 500 West Big Beaver Road Troy MI 48084

13. Proof of Insurance.

Honeywell and any contractors hired by Honeywell shall within thirty (30) days of such request supply a certificate of insurance evidencing the insurance coverages required under this agreement.

14. Indemnity/Hold Harmless Agreement.

To the fullest extent permitted by law, Honeywell agrees to indemnify and hold the City, its elected and appointed officials, employees, and volunteers and others working in behalf of the City and in performance of their duties, harmless from and against all loss, cost, expense, damage, liability or claims, whether groundless or not, arising out of bodily injury, sickness or disease (including death resulting at any time therefrom) which may be sustained or claimed by any person or persons or the damage or destruction of any property, including the loss of use thereof, based on any act or omission, negligent or otherwise, of Honeywell or anyone acting in its behalf in connection with or incident to this agreement, except that Honeywell shall not be responsible to the City on indemnity for damages to the extent caused by or resulting from the City's willful misconduct or gross negligence; the City will mitigate damages and Honeywell shall, at its own cost and expense, defend any such claim and any suit, action, or proceeding which may be commenced, and Honeywell shall pay any and all judgments which may be recovered in any suit, action or proceeding, and any and all expense, including, but not limited to, costs, attorney's fees and settlement expenses which may be incurred. The City agrees to give prompt notice of any such claims which Honeywell may defend with counsel of its own choosing. No claims shall be settled or compromised without the consent of Honeywell.

15. Liquidated Damages.

Honeywell agrees that the City's damages incurred are difficult to measure if Honeywell violates the terms of this Agreement by providing local exchange telephone service, cable television service, or otherwise transact local business to another person in the City without a franchise as required by Chapter 62. Therefore, Honeywell agrees t pay the City liquidated damages of \$250.00 per day for continuing construction work after 180 days for providing service without a franchise.

16. Notices.

All notices required by this agreement shall be deemed given by depositing them in the United States Mail, first class, and addressed to:

City Manager City of Troy 500 West Big Beaver Road Troy, MI 48084

City

and

Lori Grigg Bluhm City Attorney's Office 500 West Big Beaver Road Troy, MI 48084

Honeywell

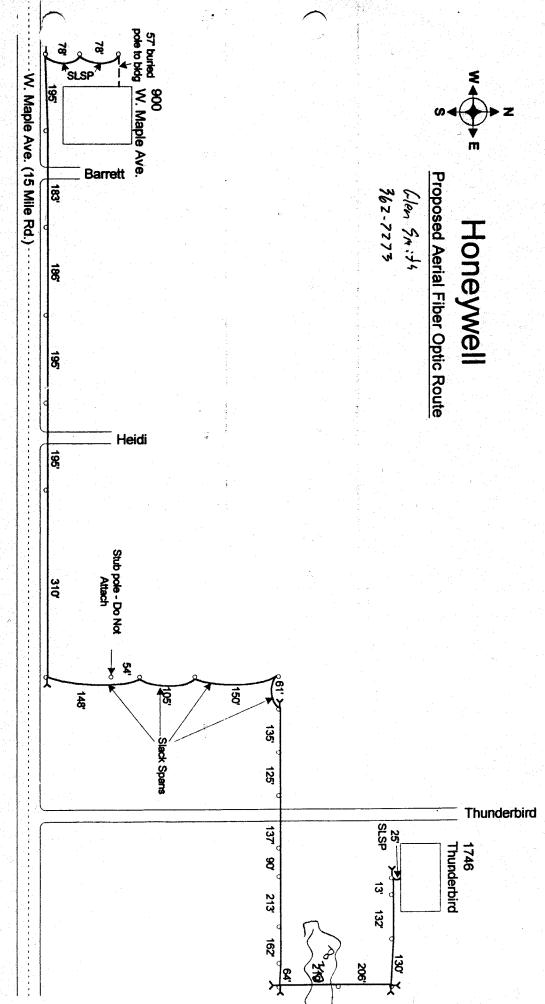
Glen F. Smith Honeywell International 900 W. Maple Avenue Troy, MI 48084

17. Effective Date.

This agreement shall take effect upon execution by the City of Troy, Michigan.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

HONEYWELL INTERNATIONAL
By: Glen F. Smith
Glen F. Smith
lts:
Date:
CITY OF TROY
By:
Matt Pryor
Its: Mayor
By: Tonni Bartholomew
Tonni Bartholomew
Its: City Clerk
Date:



Western Tel-Com, Inc.

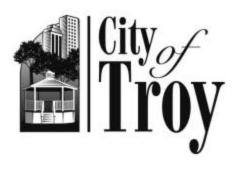
Honeywell's Proposed Fiber Optic Route

drawing by Eric Merrifleld

DWG NO

1 우 1

SCALE



July 17, 2001

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: LORI GRIGG BLUHM, ACTING CITY ATTORNEY

RE: MAYA'S MEADOWS- AMENDMENT TO AGREEMENT

Enclosed please find an amendment to the Contract for Installation of Municipal Improvements (Private Agreement) between E & F Investment Company and the City of Troy. The initial agreement, dated March 30, 2001, needs to be revised, since the Owner's corporate structure has changed to accommodate taxplanning strategies. E & F Investment Company, Inc. is now known as Z & F Company, Inc., a parent company.

Enclosed is a copy of the original agreement and also the proposed amendment to the contract. This amendment is required by Warren Bank, the lending institution that is providing the letter of credit. Approval of this amendment is recommended.

If you have any questions concerning the above, please let me know.

AMENDMENT TO CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS (PRIVATE AGREEMENT)

Project No. 00.943.3	Project Location: SW 1/4 Section 14
Resolution No.	Date of Council Approval:
The Contract for Installation of Municipal Improve Investment Company, Inc., now known as Z & F Invest March 30, 2001, is amended as follows:	
The name of the Owner is changed to E & F Investment company, whose address 27167 Greenfield Road, South 559-8222). E & F Investment Company is the land continuestment Company, Inc.	ifield, Michigan 48076 (telephone number 248-
The letter of credit posted by Z& F Investment Comparin an equal amount drawn on the same lending institute Company, LLC.	•
Except as set forth in this Amendment, the attached, Improvements (Private Agreement) remains in full force	
For purposes of this Agreement, a facsimile signature original.	of the Owner shall be deemed the same as the
OWNERS: By:	CITY OF TROY By:
Edward Joseph Farah	Matt Pryor, Mayor
	Tonni Bartholomew, City Clerk
STATE OF MICHIGAN, COUNTY OF OAKLAND	
On this day of July, 2001, before m known by me to be the same person(s) who executed this free act and deed.	* * * * * * * * * * * * * * * * * * * *
NOTARY PUBLIC,	,, Michigan
My Commission expires:	

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS (PRIVATE AGREEMENT)

PROJECT No. 00.943.3	PROJECT LOCATION: SW 1/4 SECTION 14
RESOLUTION NO.	DATE OF COUNCIL APPROVAL:
KNOW ALL MEN BY THESE PRESENT; That	at the City of Troy, a Michigan Municipal Corporation of the
County of Oakland, State of Michigan, herein	after referred to as "City" and <u>Fall Tax.</u> whose
	1-1560, SELO M, 48098 and
	227 hereinafter referred to as "Owners".
WITNESSETH, FIRST: That the City agrees	to allow the installation of water main, storm sewer, detention,
sanitary sewer, sidewalks and paving in acco	rdance with plans prepared by Land Engineering Services, Inc.
whose address is 2201 12 Mile Road, Warrer	n, MI 48092 and whose telephone number is (810)582-9800,
and approved prior to construction by the City	y Specifications of the City shall be complied with for this
construction.	
SECOND: That the Owners agree to contribu	ute the approximate contract price of \$405,357.00. This amount
will be transmitted to the City Clerk for installa	ation of said improvements in the form of (check one):
<u>Cash</u>	
Certificate of Deposit	
Irrevocable Bank Letter of Credit	
Check	

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the contractor by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to contribute \$50,087.00 cash fee per the attached **Detailed Summary of Required Escrow Deposits and Cash Fees.**

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS (PRIVATE AGREEMENT)

PROJECT No. 00.943.3	PROJECT LOCATION: SW 1/4 SECTION 14
COUNCIL RESOLUTION NO.	DATE OF COUNCIL APPROVAL:

THIRD: The owners may contract for construction of said improvement or may have the City advertise for bids. In the even the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$455,404.00 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

SIXTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS (PRIVATE AGREEMENT)

PROJECT No. 00.943.3	PROJECT LOCATION: SW 1/4 SECTION 14
COUNCIL RESOLUTION NO.	DATE OF COUNCIL APPROVAL:
IN WITNESS WHEREOF, the parties hereto have caused day of, 199	sed this agreement to be executed in duplicate on this
OWNERS	CITY OF TROY
By:	By:
(des analand	
Please Print or Type	Jeanne M. Stine, Mayor
Please Print or Type EDWARD JOSEPH FARAH	
NA	
Please Print or Type	Tonni Bartholomew, City Clerk
STATE OF MICHIGAN, COUNTY OF OAKLAND	
On this 30th day of Man	A.D.200, before me personally known by me to be who acknowledged this to be his/her/their free act and
the same person(s) who executed this instrument and deed.	who acknowledged this to be his/her/their free act and
NOTARY PUBLIC, Cecilia a. Br	ukwasek Michigan

My commission expires:

CECILIA A. BRUKWINSKI Notary Public, Oakland County, MI My Commission Expires June 18, 2002

Detailed Summary of Required Escrow Deposits and Cash Fees

Mayas Meadows Condominiums - Project No. 00.943.3 7 Buildings - Section 14

The estimated costs of public improvements are:

ESCROW DEPOSITS:	
Sanitary Sewers	80,475
Water Mains	38,968
Storm Sewers	55,269
Rear Yard Drains	28,750
Concrete Pavement	98,100
Grading	30,000
Detention Basin	9,200
Soil Erosion Control Measures	3,882
Monuments and Lot Corner Irons	250
Temporary Access Road	5,600
Deceleration & Passing Lanes on Rochester	22,015
Sidewalks on Rochester	7,680
Sidewalks on site	12,168
Street Light (\$7,000 each)	7,000
Deposit for Repair of Damage to	
Existing Public Streets Used for Access	6,000
TOTAL FOODOW DEDOCITO.	405,357
TOTAL ESCROW DEPOSITS:	400,007
TOTAL ESCROW DEPOSITS:	400,007
CASH FEES:	
<u>CASH FEES</u> : SUB1. Sidewalk Closures:	324
CASH FEES: SUB1. Sidewalk Closures: SUB3. Water Main Testing and Chlorination:	324 650
CASH FEES: SUB1. Sidewalk Closures: SUB3. Water Main Testing and Chlorination: SUB4. Street Name and Traffic Signs:	324 650 461
CASH FEES: SUB1. Sidewalk Closures: SUB3. Water Main Testing and Chlorination: SUB4. Street Name and Traffic Signs: SUB5. Street Island Improvements:	324 650
CASH FEES: SUB1. Sidewalk Closures: SUB3. Water Main Testing and Chlorination: SUB4. Street Name and Traffic Signs: SUB5. Street Island Improvements: SUB6. Landscaping and Screen Planting of Non-access	324 650 461 71
CASH FEES: SUB1. Sidewalk Closures: SUB3. Water Main Testing and Chlorination: SUB4. Street Name and Traffic Signs: SUB5. Street Island Improvements: SUB6. Landscaping and Screen Planting of Non-access Greenbelt Easement with Berm:	324 650 461 71 2,880
CASH FEES: SUB1. Sidewalk Closures: SUB3. Water Main Testing and Chlorination: SUB4. Street Name and Traffic Signs: SUB5. Street Island Improvements: SUB6. Landscaping and Screen Planting of Non-access Greenbelt Easement with Berm: SUB7. Landscaping and Screen Planting of Detention Basin:	324 650 461 71 2,880 5,418
CASH FEES: SUB1. Sidewalk Closures: SUB3. Water Main Testing and Chlorination: SUB4. Street Name and Traffic Signs: SUB5. Street Island Improvements: SUB6. Landscaping and Screen Planting of Non-access Greenbelt Easement with Berm: SUB7. Landscaping and Screen Planting of Detention Basin: SUB8. Maintenance of Detention Basin:	324 650 461 71 2,880 5,418 4,785
CASH FEES: SUB1. Sidewalk Closures: SUB3. Water Main Testing and Chlorination: SUB4. Street Name and Traffic Signs: SUB5. Street Island Improvements: SUB6. Landscaping and Screen Planting of Non-access Greenbelt Easement with Berm: SUB7. Landscaping and Screen Planting of Detention Basin: SUB8. Maintenance of Detention Basin: SUB9. Topsoil, Fertilizer, Seed and Mulch, Right of Way Rochester Rd.	324 650 461 71 2,880 5,418 4,785 3,111
CASH FEES: SUB1. Sidewalk Closures: SUB3. Water Main Testing and Chlorination: SUB4. Street Name and Traffic Signs: SUB5. Street Island Improvements: SUB6. Landscaping and Screen Planting of Non-access Greenbelt Easement with Berm: SUB7. Landscaping and Screen Planting of Detention Basin: SUB8. Maintenance of Detention Basin: SUB9. Topsoil, Fertilizer, Seed and Mulch, Right of Way Rochester Rd. SUB9. Topsoil, Fertilizer, Seed and Mulch, Right of Way On - Site	324 650 461 71 2,880 5,418 4,785 3,111 2,800
CASH FEES: SUB1. Sidewalk Closures: SUB3. Water Main Testing and Chlorination: SUB4. Street Name and Traffic Signs: SUB5. Street Island Improvements: SUB6. Landscaping and Screen Planting of Non-access Greenbelt Easement with Berm: SUB7. Landscaping and Screen Planting of Detention Basin: SUB8. Maintenance of Detention Basin: SUB9. Topsoil, Fertilizer, Seed and Mulch, Right of Way Rochester Rd. SUB9. Topsoil, Fertilizer, Seed and Mulch, Right of Way On - Site SUB10. Soil Erosion and Sedimentation Control Permits:	324 650 461 71 2,880 5,418 4,785 3,111 2,800 970
CASH FEES: SUB1. Sidewalk Closures: SUB3. Water Main Testing and Chlorination: SUB4. Street Name and Traffic Signs: SUB5. Street Island Improvements: SUB6. Landscaping and Screen Planting of Non-access Greenbelt Easement with Berm: SUB7. Landscaping and Screen Planting of Detention Basin: SUB8. Maintenance of Detention Basin: SUB9. Topsoil, Fertilizer, Seed and Mulch, Right of Way Rochester Rd. SUB9. Topsoil, Fertilizer, Seed and Mulch, Right of Way On - Site SUB10. Soil Erosion and Sedimentation Control Permits: SUB11. Testing Services:	324 650 461 71 2,880 5,418 4,785 3,111 2,800 970 5,823
CASH FEES: SUB1. Sidewalk Closures: SUB3. Water Main Testing and Chlorination: SUB4. Street Name and Traffic Signs: SUB5. Street Island Improvements: SUB6. Landscaping and Screen Planting of Non-access Greenbelt Easement with Berm: SUB7. Landscaping and Screen Planting of Detention Basin: SUB8. Maintenance of Detention Basin: SUB9. Topsoil, Fertilizer, Seed and Mulch, Right of Way Rochester Rd. SUB9. Topsoil, Fertilizer, Seed and Mulch, Right of Way On - Site SUB10. Soil Erosion and Sedimentation Control Permits: SUB11. Testing Services: SUB13. Engineering Review and Inspection Fees	324 650 461 71 2,880 5,418 4,785 3,111 2,800 970
CASH FEES: SUB1. Sidewalk Closures: SUB3. Water Main Testing and Chlorination: SUB4. Street Name and Traffic Signs: SUB5. Street Island Improvements: SUB6. Landscaping and Screen Planting of Non-access Greenbelt Easement with Berm: SUB7. Landscaping and Screen Planting of Detention Basin: SUB8. Maintenance of Detention Basin: SUB9. Topsoil, Fertilizer, Seed and Mulch, Right of Way Rochester Rd. SUB9. Topsoil, Fertilizer, Seed and Mulch, Right of Way On - Site SUB10. Soil Erosion and Sedimentation Control Permits: SUB11. Testing Services: SUB13. Engineering Review and Inspection Fees SUB14. Deposit for the Maintenance and Cleaning of Existing	324 650 461 71 2,880 5,418 4,785 3,111 2,800 970 5,823 20,754
CASH FEES: SUB1. Sidewalk Closures: SUB3. Water Main Testing and Chlorination: SUB4. Street Name and Traffic Signs: SUB5. Street Island Improvements: SUB6. Landscaping and Screen Planting of Non-access Greenbelt Easement with Berm: SUB7. Landscaping and Screen Planting of Detention Basin: SUB8. Maintenance of Detention Basin: SUB9. Topsoil, Fertilizer, Seed and Mulch, Right of Way Rochester Rd. SUB9. Topsoil, Fertilizer, Seed and Mulch, Right of Way On - Site SUB10. Soil Erosion and Sedimentation Control Permits: SUB11. Testing Services: SUB13. Engineering Review and Inspection Fees	324 650 461 71 2,880 5,418 4,785 3,111 2,800 970 5,823

Storm water detention for this development will be provided by two new detention basins within the development.

July 13, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

Gary A. Shripka, Assistant City Manager/Services

Jeanette Bennett, Purchasing Director William R. Need, Public Works Director

Subject: Standard Purchasing Resolution 3: Exercise Renewal Option –

Sidewalk Replacement Program

RECOMMENDATION

On July 10, 2000, the City Council approved a one-year contract for sidewalk replacement with an option to renew for two (2) additional one-year periods to the low bidder, Major Cement Company (CC Resolution #2000-320-E-5). The contractor has offered to extend the sidewalk contract for an additional year at the current prices.

The Public Works Department recommends exercising the option to renew for one-year which will expire July 10, 2002, at an estimated cost of \$400,000.00. The contract allows changes in the quantity of work +/- 25% as needed during the construction season. The pricing, terms, and conditions remain the same as the original contract and are as follows:

DESCRIPTION	UNIT PRICE
Remove/Replace 4" Concrete	\$3.75/sf
Remove/Replace 6" Concrete	\$4.35/sf
Remove/Replace 8" Concrete	\$5.00/sf
Adjusting Drainage Structure	\$350.00
Reconstruct Drainage Structure	\$550.00
Reconstruct Sanitary Manhole	\$550.00
Handicap Ramps	\$275.00
Tree Root Grind	\$ 80.00
Traffic Maintenance	Included
Soil Erosion Control	Included

MARKET SURVEY

Results of a market survey indicate it is in the City's best interest to renew the current contract with Major Cement Company with no increase in costs.

BUDGET

Funds are available from 2001- 2002 Sidewalk Replacement Program Capital Account # 401513.7989.700.

RESOLUTION:

GENERAL OVERVIEW OF LOCATIONS BY SECTION

\$ 65,000.00 Section 13

\$ 28,000.00 Section 18

\$ 69,000.00 Section 14

\$ 173,000.00 Section 30

\$25,000.00 Scattered locations

NOTE: The Public Works Department continues to survey additional locations.

5001 'UT 13 to \$: \$1

Major Cement Company

Residential-Commercial-Industrial
Cement Contractors
P.O. Box 19310, Detroit, MI 48219
Phone: (313) 532-0312 Fax: (313) 532-0630

July 12, 2001

Marina Basta CITY OF TROY VIA Facsimile (248) 524-3520

Re:

Sidewalk Program

SBP 00-23

Dear Ms. Basta:

Please be advised that Major Cement Company wishes to extend the abovereferenced sidewalk contract for an additional one year at the current prices.

If you have any questions, give me a call.

Sincerely,

MAJOR CEMENT COMPANY

Frank Jacoboni Jacoboni / 2

Secretary

FJ/jlr

July 16, 2001

TO:

Jeanette Bennett

Purchasing Director

FROM:

Susan Leirstein &

Buyer

RE:

MARKET SURVEY - SIDEWALK REPLACEMENT PROGRAM -

FORMTEC CONCRETE CONSTRUCTION INC DAVID TRANDELL (810)725-8400 Per my conversation with David on Monday, July 16, 2001, Formtec indicated if conditions and timing were perfect, prices on the Sidewalk Replacement contract should come in no higher than what we paid last year.

Based upon the above comment and knowing the time delays involved in making an award, the Purchasing Department recommends the City pursue the one-year option to renew the Sidewalk Replacement contract with the low bidder, Major Cement Company, under the same prices, terms, and conditions as the 2000-01 contract, expiring July 10, 2002.

CONSENT AGENDA

Approval of Consent Agenda

E-1

Resolution #2000-320 Moved by Pallotta Seconded by Allemon

RESOLVED, That all items as presented on the Consent Agenda are hereby approved as presented with the exception of Item E-2, which shall be considered after Consent Agenda (E) items, as printed.

Yes:

All-6

Absent:

Schilling

Bid Award - Sidewalk Program

E-5

Resolution #2000-320-E-5

RESOLVED, That a one year contract with an option to renew for two additional one year periods to provide labor, materials, and traffic controls to perform the Sidewalk Program, is hereby awarded to the low bidder, Major Cement Company, at an estimated cost of \$ 223,630.75. The contract will be at unit prices contained in the bid tabulation opened June 9, 2000, a copy of which shall be attached to the original minutes of this meeting, contingent upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements; and

BE IT FURTHER RESOLVED, That the Department of Public Works may change the quantity of work by (+ or -) 25% during the construction season as needed.

DATE:

June 26, 2000

TO:

The Honorable Mayor and City Council

FROM:

John Szerlag, City Manager

Gary Shripka, Assistant City Manager/Services

Jeanette Bennett, Purchasing Director

rogove so William RaNeed, Public Works Director (Mr. Jibas at his will see

SUBJECT: Bid Award - Sidewalk Program

RECOMMENDATION:

Bids were received for the Sidewalk Program Contract on June 9, 2000. The Public Works Department recommends awarding the one-year contract with an option to renew for two (2) additional one (1) year periods to the low bidder, Major Cement Company PO Box 19310 Detroit, MI 48214 at an estimated cost of \$223,630.75, pursuant to unit prices contained in the attached bid tabulation. The contract allows changing the quantity of work +/- 25% as needed, during the construction season. The invitation to bid was solicited on a low total package basis due to the amount of staff time and resources available.

central and blu decembers, including board, insurance certifically and all

BUDGET:

Account Number	Project Description	As- Bid Amount	Budget Amount	Estimated Shortfall
401513 1999-2000	Sidewalk Capital Outlay	\$99,648.50	\$60,804.29 Carry over	\$38,844.21
401513.7989. 700 2000-2001	Sidewalk Replacement	\$123,982.25	\$90,000.00	\$33,982.25
		\$223,630.75	\$150,804.29	\$72,826.46

Funds are available in the 2000-2001 Capital Contingency Fund/ Major Road Construction and will be allocated to the sidewalk replacement program to handle shortfalls.

SUMMARY:

Therefore, we are requesting approval to carry over \$60,804.29 from the 1999-2000 Sidewalk Capital Accounts(401513) to the 2000-2001 Sidewalk Replacement Program and recommend that the contract be awarded to the low bidder, Major Cement Company, for an estimated total cost of \$223,630.75.

Page 1 of 2

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DATE: June 26, 2000

June 26, 2000 Page 2 of 2

The Honorable Mayor and City Council

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Managers margory Alawabis - brown Szerlag, City Managers margory

Gary Shripka, Assistant City Manager/Sepices Joenette Bennett, Purchasing Director

The award is contingent upon the recommended vendor submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements.

SUBJECT: Bid Award - Sidewalk Program

RECOMMENDATION:

Bids were received for the Sidewalk Program Contract on June 9, 2000. The Public Works Department recommends awarding the one-year contract with a Public Works Department recommends awarding the one-year contract with 1920 option to renew for two (2) additional one (1) year periods to the low pigger bid 8 at a property bid 1931 option of the property of the property of the bid 1931 of 19

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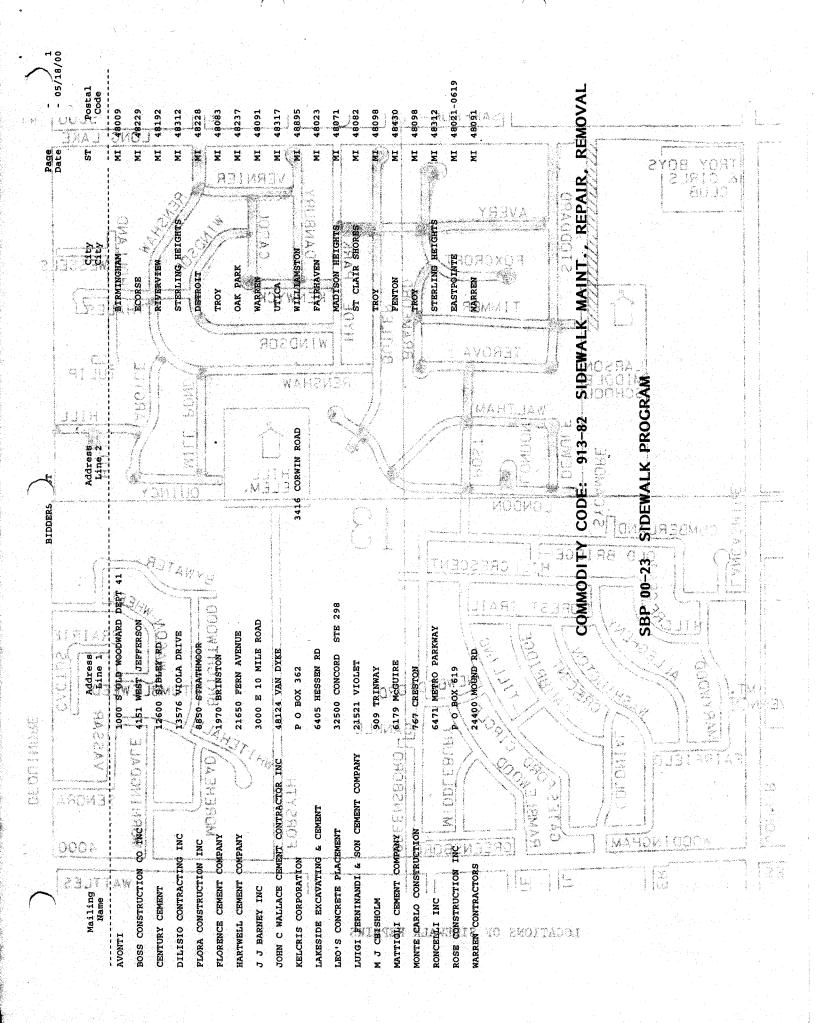
Estimated Shortali	Budget Amount	As-Bid Amount	Project Description	Account Number
\$38,844.21	\$60,804.29 Carry over	\$99,648.50	Sidewalk Capital Outley	401513 1999-2000
\$33,502.25	890,000,00	\$123,082.25	Sidewalk Replacement	401513,7989. 700 2000-2001
\$72,825.46	\$150,804.28	\$223,630.75		na mandaran ya sana kanan da manan a kata kata kata a ya kata a ƙasar sa sa ƙasar ƙasar ƙasar ƙasar ƙasar ƙasa

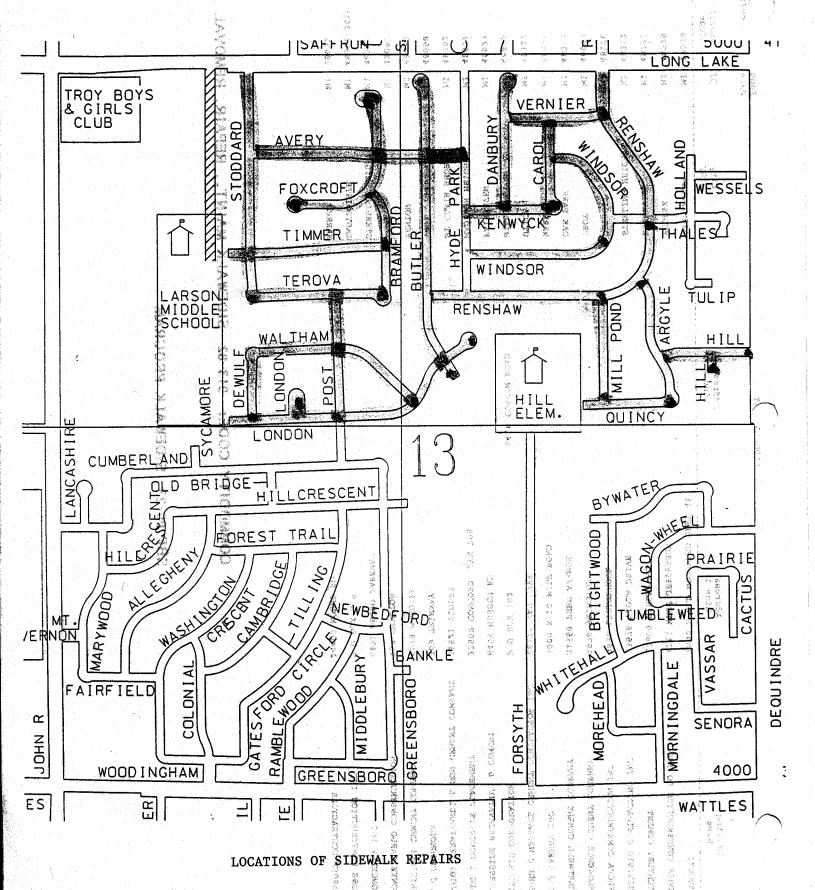
Funds are available in the 2000-2001 Capital Contingency Fund/ Major Road Construction and will be allocated to the sidewalk replacement program to handle shortfalls.

SUMMARY:

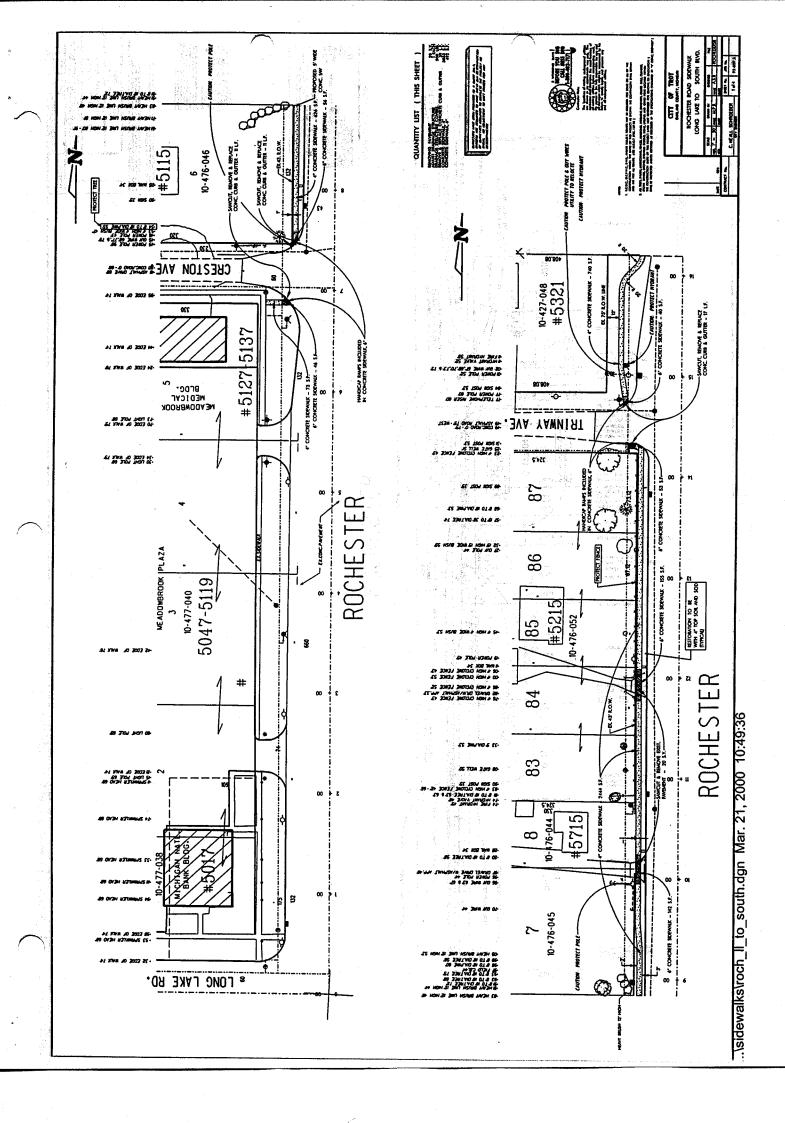
Therefore, we are requesting approval to carry over \$60,804.29 from the 1999-2000. Sidewalk. Capital. Accounts (401513) to the 2000-2001. Sidewalk Replacement Program and recommend that the contract be awarded to the low bidder, Major Cement Company, for an estimated total cost of \$ 223,630.75.

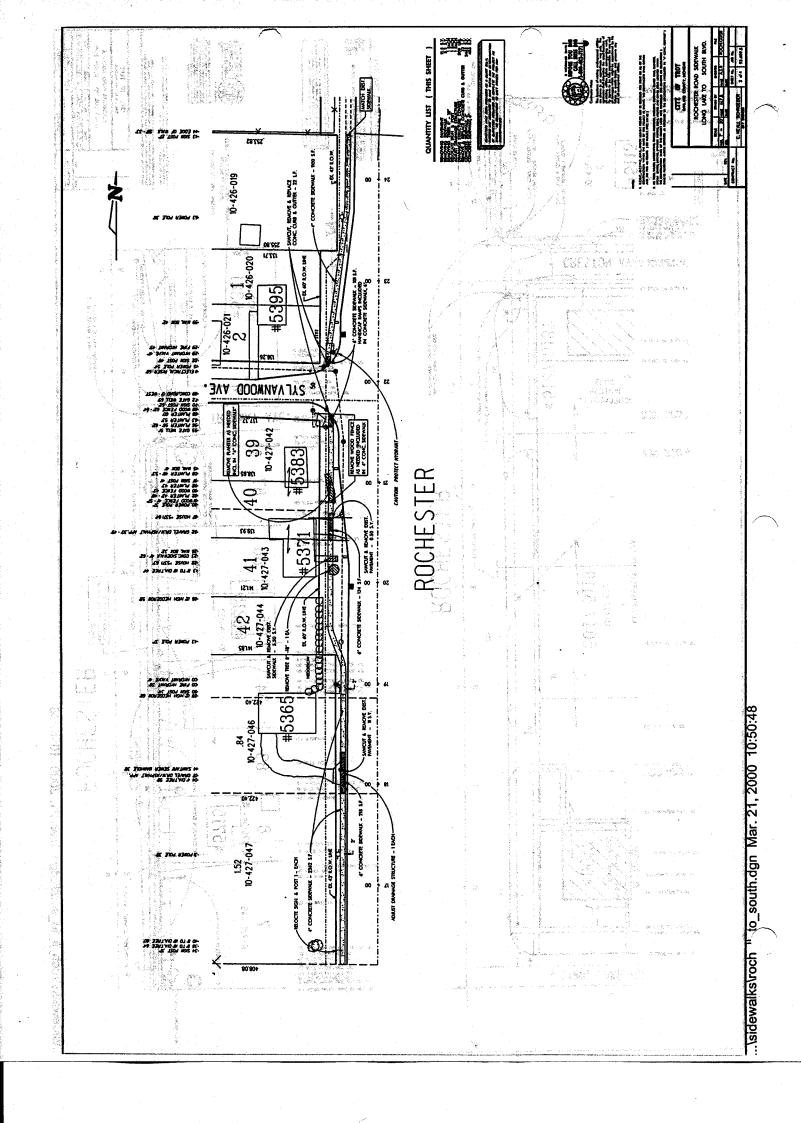
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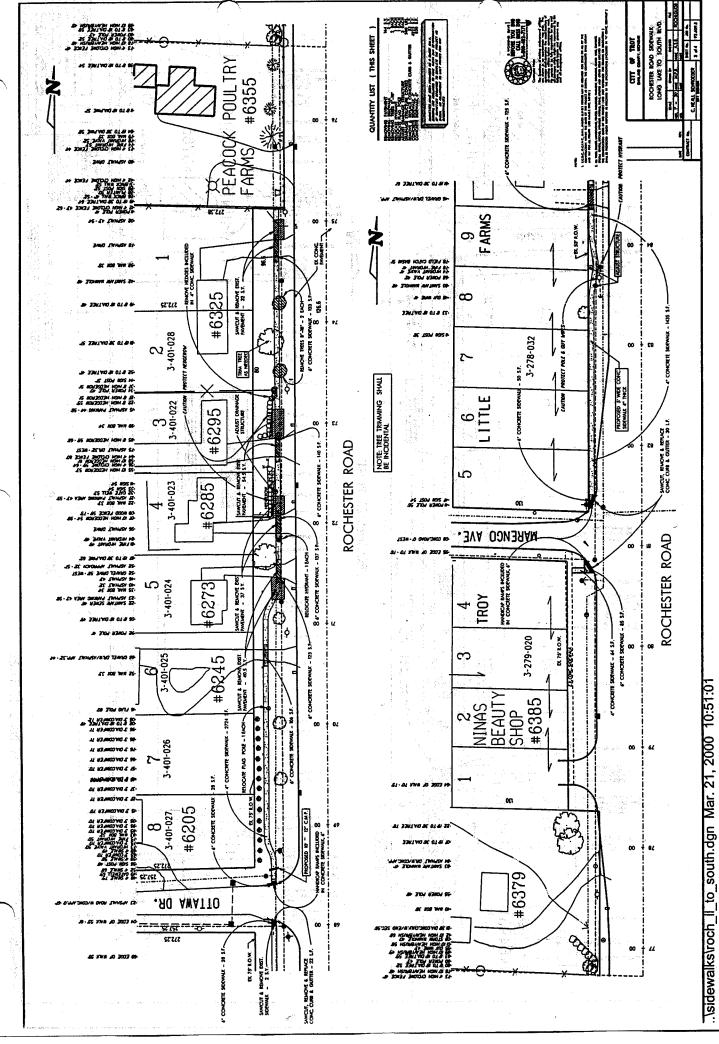


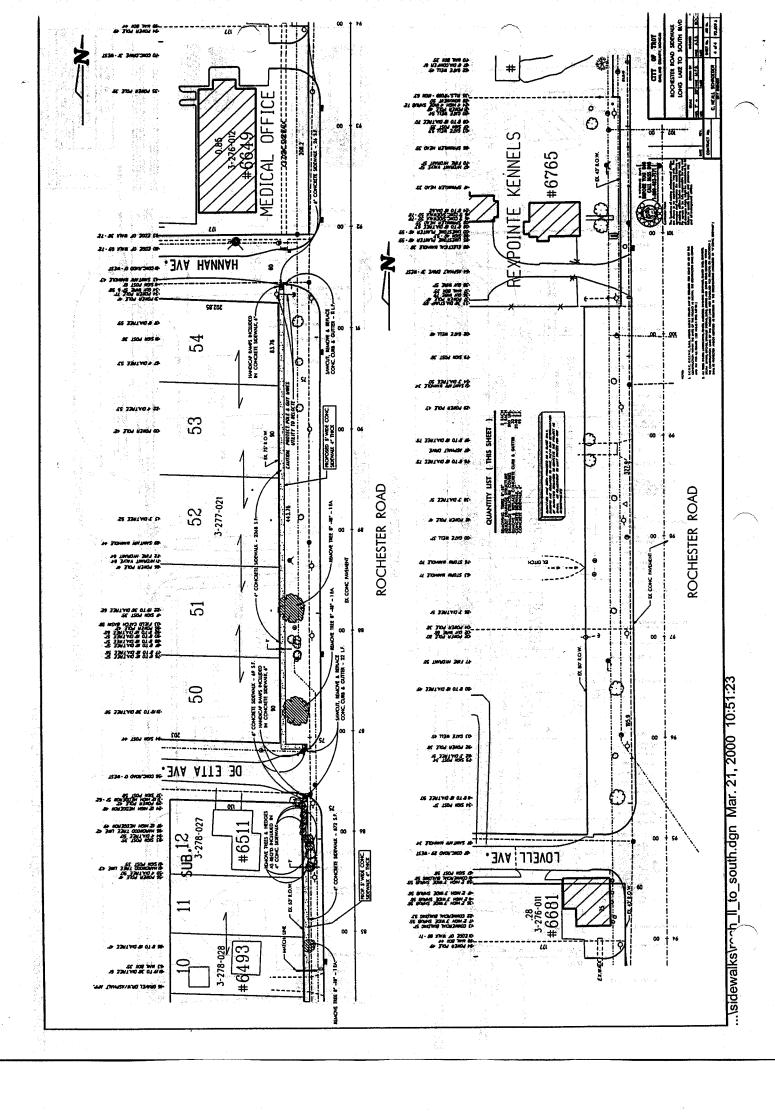


LOCATIONS OF SIDEWALK REPAIRS









CITY OF TROY BID TABULATION SIDEWALK PROGRAM

SBP 00-23

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	VENDOR NAME: Series of the same ways	# 1	M	AJOR CEMENT	FO	RMTEC 1	a sociyan
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PROPOS	SAL CITY OF TROY SIDEWALK PROGRAM	A WHICH INC	111				
	REPLACEMENT PROGRAM AND NEW S	DEWALK CO	MC.		L A C		MI APPROACHE:
	AND SPECIFICATIONS	DE WALK OO	.10		i AC	CONDANCE	1
PROJEC	T NO. 93.609.5 - ROCHESTER ROAD SIDE	NALK (LONG	1 1	VE TO HANN	NALIS	l II. e oblica a della. Li en	
I NOOLO	MO. 90.00913 - NOOHESTER NOAD SIDE	WALK (LONG	LA				
	and the second of the second o			UNIT	JN 373		1.15.117
ITEM	DESCRIPTION OF A PLAN OF THE PROPERTY OF THE P	OTV		PRICE	3	UNIT	UNIT
1.	Removing Trees 8" - 18"		_		_	PRICE	PRICE
2.	The state of the s	6 ea		550.00		750.00	
	Removing Pavement	195.5 sy		18.00		10.00	F10 75.5.1
3.	Removing Sidewalk	7.5 sy		9.00	,	10.00	
4.	Relocate Hydrant	1 ea		3,000.00		3,000.00	
5.	Relocate Flag Pole	1 ea	<u> </u>	2,000.00	\$	2,500.00	
6.	Relocate Sign & Posts	1 ea		1,000.00	\$	500.00	
7.	Remove & Replace Concrete Curb & Gutte			32.00	\$	40.00	
8.	Adjust Drainage Structures	6 ea		350.00	\$	250.00	
9.	Drainage Structure Covers	2000 lbs		1.20	\$	1.00	
10.	Class "A" Culvert 12"	10 lf	\$	60.00	\$	25.00	
1 1.	Concrete Sidewalk 4"	15,500 sf	\$	3.60	\$	4.00	
:•	Concrete Sidewalk 6"	1,950 sf	\$	4.20	\$	4.50	
13.	Traffic Maintenance	clump sum	\$	5,000.00	\$	5,000.00	wasan Pasan masa Pa
14.	Soil Erosion Control	lump sum	\$	3,000.00	\$	2,000.00	
15.	Watering Lawn Areas (1,000 Gallons/Unit)	1 unit		1,000.00	\$	5,000.00	
16.	Mowing Grass Areas	4 times		1,000.00	\$	2,000.00	r de antique
17.	Restoration	included	<u> </u>	0	•	2,020.00	erae iva el tale
						7 - 33 - 33 - 9	Section 1997 - Control of the Contro
	TOTAL ESTIMATED COST FOR 93.609.5	1	\$	99,648.50	\$	112,895.00	
				00,010.00	Ψ	112,000.00	
SECTION	I 13 AND SCATTERED LOCATIONS FOR SI	DEWALK RE	ΡΙ Δ	CEMENT PR	nci Oci	PAM.	
				OLIVILIA I I		VAIVI	The Mark Market and the second se
				UNIT		UNIT	I INIT
ITEM	DESCRIPTION	QTY		PRICE		PRICE	UNIT
1.	Remove and Replace 4" Concrete	17,540 sf	¢	3.75	\$		PRICE
2.	Remove and Replace 6" Concrete	8,335 sf		4.35		4.00	
2. 3.	Remove and Replace 8" Concrete				\$	5.00	
4.	Adjusting Drainage Structure	200 sf		5.00	4	6.00	
		4 ea		350.00	\$	250.00	· · · · · · · · · · · · · · · · · · ·
~	Reconstruct Drainage Structure Reconstruct Sanitary Manhole	3 ea		550.00	\$	2,500.00	
5. 6		3 ea	Þ	550.00	\$	2,500.00	
6.			_			500 00 l	
6. 7.	Handicap Ramps	30 ea		275.00	\$	500.00	
6. 7. 8.	Handicap Ramps Tree Root Grind	30 ea 100 ea		80.00	\$ \$	100.00	
6. 7. 8. 9.	Handicap Ramps Tree Root Grind Traffic Maintenance	30 ea 100 ea included		80.00 0			
6. 7.	Handicap Ramps Tree Root Grind	30 ea 100 ea		80.00		100.00	
6. 7. 8. 9. 10.	Handicap Ramps Tree Root Grind Traffic Maintenance Soil Erosion Control	30 ea 100 ea included included		80.00 0 0		100.00	
6. 7. 8. 9. 10.	Handicap Ramps Tree Root Grind Traffic Maintenance	30 ea 100 ea included included		80.00 0		100.00	Oftens of the large
6. 7. 8. 9. 10.	Handicap Ramps Tree Root Grind Traffic Maintenance Soil Erosion Control	30 ea 100 ea included included	\$	80.00 0 0	\$	100.00 0 0	Ofins to the rea
6. 7. 8. 9. 10.	Handicap Ramps Tree Root Grind Traffic Maintenance Soil Erosion Control	30 ea 100 ea included included	\$	80.00 0 0 123,982.25	\$	100.00 0 0	09 m k ti to 1989 (199)

25.00 933

Opening Date -- 6/9/2000 Date Prepared -- 6/12/2000

CITY OF TROY BID TABULATION TA JUSA CITY SIDEWALK PROGRAM AND THE

SBP 00-23 00053642 Pg 2 of 2

MAJOR CEMENT FORMTEC BYAN SOCIATIVE VENDOR NAME: DETEROR THERES FOLAM BTEROMOG COMPANY COMPANY CONCRETE SOVETRUETION CORP CONSTRUCTION CORP 818865300 3-841101308 INSURANCE: Can Meet ZEHDAORGGA YAWEVIRGA **CâMhot Meet**h T. 33001041 HOIHW MARE NEW SIDEWALK CONSTRUCTION IN ACCORDANCE WITH THE PLANS CATIONS AND SPE **COMPLETION DATE:** Can Meet XX OVER WOLDS BERNE **Cannot Meet** TWU THE TIME FRICE TERMS: 30199 Y SAS IN CONTRACT 30 DAYS 100.00 500 00.87 Removing 196.6 sy AS PER SPECS WARRANTY: AS IN CONTRACT Va 6.1 8 50 t H atacoma 1 (0.000) **EXCEPTIONS:** NONE **BLANK** 00.000 a so t 00.000.1 008 89 1 1 10.04 00 Os 350.00 80 3 00 nas (35) F Previous Structure Covers ŰŐ.Ť 2000 lbs "Stabulio" a" aunio 01 \$\$ (\frac{1}{2}) 00.0025.00 12 (100 A) "a visicabi2 ateiono" NO BIDS: () () 🍇 Concrete Sidewalk 3" 12,000 1 Boss Construction Cot Inc 05. THE CAMPDENOTES LOW BIDDER PORSORIALS MODIFIES 00.000 Leo's Concrete Placement, Inc. Sort Brosion Control 0.000,4 trans same (falcher Lavo Aceas (1.990 Garlonstuch)) 00.000 DMS: 00.000 secon easiO privoid 4 times J&M Excavating & Landscaping 60 000 bebulan Restonition Reason: No bid surety check TOTAL ESTREATED ATTEST: 112,8855 (10) 08,849,80 MaryAnn Hays FOUTE OW ES AND DOM MAREON AND AND Jeanette Bennett Marina Basta Susan Leirstein **Purchasing Director** THU TIME TIMU MONTHINDSHO Personal Pauloce of Concerts 19 CAO S 00.4 Rear ve and Replace 6" Conorde 5.00 te 320 8 Remove and Replace 8' Cooping to our 00.8 ediating Orderes Structure 00.025 00 068 \$5 8 Reconstruct Depress Statement 550.088 00.006.5 \$5 Q ga C Reported Survices Mahmet A) 0 00.086 Ramis Plante H 28 OE 30,00 Tirde Rock Guing 00.00 430 GH โรยเกิม เพลากษาแสดง เกินสาโ becilari Sof Every Comes babuloni TEL KETHALED COST FOR ECATERED LOCATIONS .. G:\SidewalkProgram00 LIKE OF UNIAGE DETAINTER



500 West Big Beaver Troy, Michigan 48084 Fax: (248) 524-0851 www.ci.troy.mi.us

Area code (248)

Assessing 524-3311

Bldg. Inspections 524-3344

Bldg. Maintenance 524-3368

City Clerk **524-3316**

City Manager 524-3330

Community Affairs 524-1147

Engineering _524-3383

nance 524-3411

Fire-Administration 524-3419

Human Resources 524-3339

Information Services 619-7279

Law 524-3320

Library **524-3545**

Parks & Recreation 524-3484

Planning

524-3364

Police-Administration 524-3443

Public Works 524-3370

Purchasing 524-3338

eal Estate & Development 24-3498

Treasurer 524-3334

General Information 524-3300

DATE: May 19, 2000

SBP 00-23

Sealed proposals for the City of Troy SIDEWALK PROGRAM will be received by the City of Troy at the office of the City Clerk, 500 W. Big Beaver Road, Troy, MI 48084 until FRIDAY, JUNE 9, 2000 at 2:00 PM, after which time they will be publicly opened and read in the Troy City Offices.

MARK ENVELOPES: SBP 00-23 ON THE LOWER LEFT-HAND CORNER.

The proposals will be for the Sidewalk Program as specified. Specifications are listed in the bid proposal form on file in the office of the City Clerk.

All bids shall specify terms and show delivery dates. The City reserves the right to reject any or all bids, to waive any informality in the proposal received, and to accept any proposal or part thereof, which it shall deem to be most favorable to the interests of the City.

FURTHER INSTRUCTION TO BIDDERS

- 1. Any and all bids submitted must be on the City of Troy bid proposal forms. If more than one bid is submitted, a separate bid proposal form must be used for each. Forms are enclosed, or obtainable at the Purchasing Department, Troy.
- 2. Municipalities are exempt from Michigan State Sales and Federal Excise taxes. Do not include such taxes in the proposal figure. The City will furnish the successful bidder with tax exemption certificates when requested.

The following exception shall apply to installation projects. When sales tax is charged to the successful bidder for materials to be installed during the project, that cost shall be included in the unit cost bid and not charged as a separate line item. The City is not tax exempt in this case and cannot issue an exemption certificate.

- 3. All materials are to be F.O.B. delivered to the work sites.
- 4. If further information regarding this bid is required, please contact the Purchasing Department at (248) 524-3338.
- 5. A successful bidder furnishing labor on City/public premises does agree to hold the City harmless from liability loss, and also have his workers covered by Worker's Compensation, and furnish a certificate of insurance showing coverage for bodily injury and property damage and worker's compensation to Mr. Stephen Cooperrider/ Risk Manager within 48 hours of a verbal request. The "Company Representative" does warrant that by signing the bid document, the "additional insured endorsement" will be included in the Insurance Coverage supplied to the City as part of the specified requirements.
- 6. A cashier's check, certified check, or money order in the amount of \$2,500 must accompany the bid to insure the bid. The two lowest unsuccessful bidders will have their bid surety returned after the bid award. BID BONDS ARE NOT ACCEPTABLE. The bid surety will be returned to the successful bidder upon submission of the specified acceptable Performance, Labor and Material, and Maintenance Bonds in accordance with specifications. All other bidders will have their bid deposits returned within 72 hours after the bid has been opened.

SPECIAL INSTRUCTIONS

- All bidders are held to bid prices for 60 days or bid award, whichever comes first, except the successful bidder whose prices shall remain firm for the entire contract period.
- IMPORTANT: Plans are available in the City of Troy Purchasing Office, 500 W. Big Beaver Rd., Troy, MI 48084 at no charge.

BOARDS AND COMMITTEES VACANCIES

The appointment of new members to all of the listed board and committee vacancies will require only one motion and vote by City Council. Council members submit recommendations for appointment. When the number of submitted names exceed the number of positions to be filled, a separate motion and roll call vote will be required (current process of appointing). Any board or commission with remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda.

The following boards and committees have expiring terms and/or vacancies. Bold red lines indicate the number of appointments required:

Advisory Committee for Persons with Disabilities

Appointed by Council (9) - 3 years Term Expires 7-01-2002 (Student) Term Expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS	TERM EXPIRES
689-9098	Mary Ann Butler (Alternate)	1060 Glaser, 98	Nov. 1, 2003
649-3542	Sharon M. Connelly	1638 Martinique, 84	Nov. 1, 2002
248-816-1900B			
248-526-3088B	Philip D'Anna	5149 Westmoreland, 98	Nov. 1, 2001
689-1457	Angela Done	2304 Academy, 83	Nov. 1, 2002
740-8983	Nancy Johnson	1461 Lamb, 98	Nov. 1, 2003
813-9575	Leonard Bertin	5353 Rochester, 98	Nov. 1, 2002
258-2500B			
641-7764	Dick Kuschinsky	5968 Whitfield, 98	Nov. 1, 2001
313-496-2686B			
680-1233	Theodora House	301 Belhaven, 98	Nov. 1, 2003
952-0484	Jerry Ong (Student)	1903 Fleetwood, 98	July 1, 2001
528-3133	Nancy Sura, Ch	1436 Welling, 98	Nov. 1, 2001
248-696-2140B			
740-1231	Shreyas Patel (Student)	43 Crestfield, 98	July 1, 2001
641-9538	John J. Rogers	5925 Whitfield, 98	Nov. 1, 2003
362-0671	Cynthia Buchanan	840 Huntsford, 84	Nov. 1, 2003
	(Alternate)		
680-0325	Kul B. Gauri(Alternate)	5305 Greendale, 98	Nov. 1, 2003

CATV Advisory Committee

Appointed by Council (7) - 3 years

Term expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
689-8176	Alex Bennett	1065 Arthur, 83	Sept. 30, 2003
879-8657	Jerry L. Bixby	6228 Crooks, 98	Feb. 28, 2003
689-3430	Michael J Farrug	6781 Little Creek Ct., 98	Nov. 30, 2002
689-2528	Richard Hughes	1321 Roger Ct., 83	Feb. 28, 2003
952-5122	Kyleen Krstich (Student)	2033 Sundew, 98	July 01, 2001
643-8250	Frank Smith	2020 Dorchester #103, 84	Feb. 28, 2004
879-0793	W. Kent Voigt	2620 Coral, 98	Feb. 28, 2004
649-6578	Bryan H. Wehrung	3860 Edgemont, 84	Feb. 28, 2002

Civil Service Commission (Act 78) 1 – Mayor, 1 – Police and Fire Depts, 1 – Civil Service

Appointed by Council (3)-6 years

Term expires 4-30-2002

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
649-9308 H	David C. Cannon	3339 Medford, 84 (Mayor)	Apr. 30, 2006
734-525-4452 W			
643-6002	Donald E. McGinnis, Jr Ch.	1721 Crooks, 84 (P&F)	Apr. 30, 2004
642-6747 H	Gary A. Sirotti	4032 Rouge Circle,	Apr. 30, 2002
224-0809 B	Resigned 7/02/01	98(C.S.)	-

Mr. Sirotti has moved from Troy.

Economic Development Corporation

Mayor, Council Approval (9) -6 years

Term expires 4-30-2003

Term expires 4-30-2005

PHONE	NAME	ADDRESS	TERM EXPIRES
879-5725H 313-225-9095B	Kenneth Bluhm	6187 Brittany Tree, 98	Apr. 30, 2006
641-7676 H 362-3600 B	Robert S. Gigliotti	2381 Hidden Pine, 98	Apr. 30, 2002
879-9104 H 524-3364 B	Laurence Keisling Retired 7/02/01	6321 Sandshores, 98	Apr. 30, 2005
524-0877 H 524-3311 B	Leger (Nino) Licari	4533 Post, 98	Apr. 30, 2004
643-0332 H 739-4254 B	Michael Parker	2524 Kingston, 84	Apr. 30, 2007
641-7339H 879-0500B	Stuart F. Redpath	1679 Greenwich, 98	Apr. 30, 2003
952-5709 H 575-8719B	Nelson Ritner Resigned 6/23/01	5527 Whitfield, 98	Apr. 30, 2003
689-7235	Charles Salgat, Ch	2651 Winter, 83	Apr. 30, 2004
362-5385 H 540-2300 B	John Sharp	3362 Muerknoll, 84	Apr. 30, 2003

Historical Commission

Appointed by Council (7)- 3 years

Term expires 7-01-2002 (Student)

Term expires 7-31-2004

Term expires 7-31-2004

		ADDRESS (Voters)	TERM EXPIRES
879-0195	Edward Bortner	193 Hurst, 98	July 31, 2002

649-5074H	Roger Kaniarz	4350 Stonehenge, 98	July 31, 2002
810-497-5333B		-	
879-8659	Cynthia Kmett	1168 Snead, 98	July 21, 2001
641-1962	Rosemary Kornacki	4648 Rivers Edge, 98	July 31, 2002
879-6168	Jeannine Kufta (Student)	683 Sylvanwood, 98	July 01, 2001
828-3632H	Kevin Lindsey	6890 Norton, 98	July 31, 2003
753-2408B			
879-6567	Muriel W. Rounds	6291 Ledwin, 98	July 31, 2003
689-1249	Brian J. Wattles	3864 Livernois, 83	July 31, 2001

Brian Wattles wishes to be reappointed.

Cynthia Kmett does not wish to be reappointed.

Liquor Committee

Appointed by Council (7) - 3 years

Term Expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
879-0817H	Max K. Ehlert	6614 Northpoint, 98	Jan. 31, 2002
689-5900W			
689-4614H	W. S. Godlewski	2784 Whitehall, 48098	Jan. 31, 2002
810 575-2648B			
828-7436	James C. Moseley	1687 White Birch Ct.,98	Jan. 31, 2003
689-8092	James R. Peard	4549 Post, 98	Jan. 31, 2003
642-1887H	Thomas G. Sawyer, Jr., Ch.	895 Norwich, PO 99236,Troy	Jan. 31, 2003
647-9099W		48099	
649-7480	David J. Balagna	1822 Wilmet, 98	Jan. 31, 2003
689-1099	John J. Walker	94 Evaline, 98	Jan. 31, 2003
641-8432	Jennifer Gilbert (Student)	4808 Rivers Edge, 98	July 1, 2001
524-3477	Capt. Dane Slater	Police Department	(Ex-officio)

Parks and Recreation Committee

Appointed by Council (9) - 3 years

Term expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
828-8940	Douglas M. Bordas, Ch.	5902 Cliffside, 98	Sept. 30, 2002

879-2977	Haley Byrd (Student)	200 Nottingham, 98	July 01, 2001
828-4361	Kathleen M. Fejes	6475 Elmoor, 98	Sept. 30, 2001
644-6744	John F. Goetz, Jr	2539 Black Pine, 98	Sept. 30, 2003
689-3794	Gary Hauff (School Rep)	3794 Wayfarer, 83	July 31, 2001
879-9314	Lawrence Jose (Sr. Rep.)	5581 Livernois, 98	Apr. 30, 2003
828-8084	Orestes (Rusty) Kaltsounis	6798 Jasmine, 98	Sept. 30, 2003
649-4948	Tom Krent	3184 Alpine, 84	Sept. 30, 2001
879-1466	Robert J. O'Brien	6285 Brookings, 98	Sept. 30, 2002
689-2074H	Jeffrey Stewart	884 Hidden Ridge, 83	Sept. 30, 2003
569-8454B	(Troy Daze Representative)		
524-3484	Carol Anderson	Parks & Rec. Dir.	(Ex-officio)

Planning Commission

Mayor, Approved by Council (9) - 3 years

Term Expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
524-9850	Gary G. Chamberlain	4850 Alton, 98	Dec. 31, 2002
689-1849	Jordan C. Keoleian (Student)	3709 Kings Point Dr, 83	July 01, 2001
952-5588 H 435-1712 B	Dennis A. Kramer	1903 Spiceway, 98	Dec. 31, 2003
879-8877H 649-1150B	Larry Littman	6867 Killarney, 98	Dec. 31, 2001
528-3848	Cynthia Pennington	1924 Westwood, 83	Dec. 31, 2002
689-3722	James E. Reece, Jr.	2915 Hill, 98	Dec. 31, 2001
524-2285	James H. Starr	2643 Arrowhead, 83	Dec. 31, 2002
879-8529	Walter A. Storrs, III	5676 Martell, 98	Dec. 31, 2003
642-9737	David T. Waller	2921 Townhill, 84	Dec. 31, 2003
641-7115 H 775-7710 B	Wayne C. Wright	2525 Homewood, 98	Dec. 31, 2001

Traffic Committee

Appointed by Council (7) - 3 years

Term Expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
649-2319	David Allen (Student)	3755 Ledge Ct., 84	July 01, 2001
879-0103	John Diefenbaker	5697 Wright, 98	Jan. 31, 2003

879-0250H	Eric S Grinnell	406 E Square Lake, 84	Jan. 31, 2003
663-5055B		MAIL TO:	
		PO Box 99417	
		Troy MI 48099	
689-1223	Lawrence Halsey	663 Vanderpool, 83	Jan. 31, 2003
689-9401H	Jan L. Hubbell	1080 Glaser, 98	Jan. 31, 2002
(313)665-4284B			
524-1595	Richard A. Kilmer	62 Hickory, 83	Jan. 31, 2002
689-0217H	Michael Palchesko	36 Randall, 98	Jan. 31, 2002
223-2303B			
524-9062H	Charles A. Solis, Ch.	1866 Crimson, 83	Jan. 31, 2003
689-2920B			
524-3379	John Abraham	Traffic Engineer	(Ex-officio)
524-3443	Charles Craft	Police Chief	(Ex-officio)
524-3419	William Nelson	Fire Chief	(Ex-officio)

Troy Daze Committee

Appointed by Council (9) - 3 years

Term expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
528-0155 H	Robert A. Berk	726 Thurber, 98	Nov. 30, 2003
322-9813B			
879-9030H	Sue Bishop	6109 Emerald Lake, 98	Nov. 30, 2001
879-0272B			
528-1551	Jim D. Cyrulewski.	626 Randall, 98	Nov. 30, 2001
689-9244	Cecile Dilley	2722 Sparta, 83	Nov. 30, 2001
828-8084	Kessie Kaltsounis	6798 Jasmine, 98	Nov. 30, 2002
879-6958H	Richard L. Tharp	6881 Westaway Dr.98	Nov. 30, 2003
354-3710B			
649-4345H	William F Hall	1891 Kirts, Apt 215, 84	Nov. 30, 2002
944-5968B			
689-2074H	Jeffrey Stewart	884 Hidden Ridge, 83	Sept. 30, 2003
569-8454B	(Repr to Parks/Rec Board)		
879-3710	Eldon Thompson	6500 Denton, 98	Nov. 30, 2002
952-1732	Cheryl A Kaszubski	1878 Freemont, 98	Nov. 30, 2003
952-1763	Rebecca Mill (Student)	1478 Brentwood, 98	July 1, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

John M. Lamerato, Assistant City Manager/Finance & Admin.

Cindy Stewart, Community Affairs Director

SUBJECT: Reappointment of Student Rep

DATE: July 16, 2001

After issuing a press release and an article in the upcoming Fall Troy Today (due to be in mailboxes by August 1) we anticipate a number of students applying to fill the vacancies for various Boards & Committees.

In the interim, the attached letter was received by Jordan Keoleian, student rep to the Planning Commission. He would like to be reappointed to the Planning Commission. Jordan has spoken with the Planning Commissioners and they are in favor of this reappointment.

Thank you.

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager

Gary Shripka, Assistant City Manager/Services

Brian Stoutenburg, Library Director

SUBJECT: Award of Contract for Structural Assessment, Relocation Analysis,

Exterior and Interior Restoration of Historic Church and Parsonage.

RECOMMENDATION

It is recommended that Gerald J. Yurk Associates Incorporated be hired as the architectural firm to provide a structural assessment, relocation analysis, and exterior and interior restoration plan for the historic church and parsonage located at 90 and 110 East Square Lake Road. The ad hoc Church Committee, composed of 2 members each from the Historical Commission, Historic District Commission, Historical Society and the Museum Guild were unanimous in their selection of this Architectural firm and have the full support of all those entities.

SUMMARY

The ad hoc Church Committee was formed to select an architect with "historic structure" credentials who would provide cost estimates for preserving the church and parsonage with 3 different scenarios: leave the structures in their current locations, move the structures back from the road on the current site to provide for the eventual widening of Square Lake Road, and move the structures to the Historic Village Green at the Museum. It is prudent to provide City Council with guidelines and estimated costs for preserving the buildings so that priorities can be set and appropriate courses of action can be selected. Two qualified architects showed interest in this project and were interviewed by the ad hoc Church Committee on July 11, 2001 and Gerald Yurk was their unanimous choice.

BUDGET AND SCOPE OF WORK

The architectural and engineering fee, as proposed, would not exceed \$56,400. There is also an amount of \$5,640, or 10% of the contract to cover reimbursable expenses and additional work required that could not be foreseen. Funds are available in the Capital Outlay, Historic Green Development Fund, Account # 401804.7974.140.

The scope of work includes the following 3 parts:

Part I:

- On site analysis of existing two historic structures
- Review of written and photographic history of the structures
- Structural review of existing field conditions
- Recommendations for stabilization
- Cost estimates for stabilization

Part II:

- Development of restoration plan on existing site
- Development of restoration and relocation plan further back on existing site
- Development of a restoration and relocation plan for the Historic Village Green site at the Museum
- Cost estimates for the 3 scenarios

Part III:

- Development of technically and historically appropriate concept plans for the exterior restoration of the two buildings
- Development of technically and historically appropriate plans for the restoration of the interior of the two buildings
- Cost estimate for the exterior restoration work
- Cost estimate for the interior restoration work

Part I is anticipated to take approximately eight to twelve weeks in time to allow for proper stabilization of the structures before winter.

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager

Jeanette Bennett, Purchasing Director

Charles T. Craft, Chief of Police

Subject: Bid Waiver – Contract Extension – TPOA Physical Examinations

RECOMMENDATION

The Department requests approval to extend the contract with William Beaumont Hospital to conduct pre-test physicals through 2001 at unit prices provided in the pricing schedule dated 7/1/2001 (Attachment A). The contract was a result of a bid waiver for this facility, which had been selected by the City/Union committee established through a 1988 Arbitration Ruling, approved by Troy City Council (Resolution #97-736-C-7) and renewed in 2000 (Resolution #2000-19/2000-118-E-5). The TPOA physical examinations are included in the 2001-2002 budget at an estimated total cost of \$69,000.00.

Although testing is to be completed before December 31, 2001, there may be circumstances that prevent an officer from completing the pre-test physical before this time, for example, an officer may be on leave due to an injury. Therefore, estimated prices for 2002 are included on the pricing schedule at a 3% increase.

HISTORY

As a result of a 1988 TPOA/City arbitration ruling, a physical fitness test for police officers was established. The terms of the award require that the test and pre-test physical be given every two years, with all costs absorbed by the City.

A City/Union Joint Committee, which was established through arbitration, has determined the testing components of the physical fitness test and pre-test physicals. William Beaumont Hospital Executive Health Service was selected to conduct the pre-test physicals, and the Training Section performs the physical fitness tests through the use of our computerized physical fitness testing equipment. Before we can conduct our 2001 fitness testing, we must again provide a health screen for our officers.

BUDGET

The TPOA physical examinations are included in the 2001-2002 budget.

ATTACHMENT A 7/1/01 WILLIAM BEAUMONT EXECUTIVE HEALTH SERVICE

PRICING SCHEDULE

PHYSICAL EXAMINATION WITHOUT STRESS TEST

History and Physical Examination EHS Blood Profile Lipid Profile (EHS/HDL/LDL/Chol) Urinalysis Electrocardiogram (resting EKG) HIV Hepatitis B Screen TB Skin Test ESTIMATED TOTAL	ACTUAL 1999 119.50 61.75 38.35 31.85 109.85 39.00 57.20 na	2000 \$ 120.15 61.75 38.35 31.85 113.75 40.30 59.15 10.00	2001 \$ 121.45 61.75 38.35 31.85 118.95 42.25 61.75 14.00 \$ 490.35	2002 \$ 125.09 63.60 39.50 32.81 122.52 43.52 63.60 14.42 \$ 505.06
PHYSICAL EXAMINATION WITH ST	·	•	ψ 100100	Ψ 000.00
History and Physical Examination EHS Blood Profile Lipid Profile (EHS/HDL/LDL/Chol) Urinalysis Cardiac Package HIV Hepatitis B Screen TB Skin Test	1999 \$ 119.50 61.75 38.35 31.85 337.35 39.00 57.20 na	2000 \$ 120.15 61.75 38.35 31.85 347.75 40.30 59.15 10.00	2001 \$ 121.45 61.75 38.35 31.85 362.05 42.25 61.75 14.00	2002 \$ 125.09 63.60 39.50 32.81 372.91 43.52 63.60 14.42
ESTIMATED TOTAL	\$ 685.00	\$ 709.30	\$ 733.45	\$ 755.45
PHYSICAL EXAMINATION WITH ST	RESS TES	<u>r</u>		
History and Physical Examination EHS Blood Profile Lipid Profile (EHS/HDL/LDL/Chol) Urinalysis Cardiac Package HIV Hepatitis B Screen TB Skin Test	1999 \$ 119.50 61.75 (38.35) 31.85 337.35 39.00 57.20 na	2000 \$ 120.15 61.75 (38.35) 31.85 347.75 40.30 59.15 10.00	2001 \$ 121.45 61.75 (38.35) 31.85 362.05 42.25 61.75 14.00	2002 \$ 125.09 63.60 (39.50) 32.81 372.91 43.52 63.60 14.42
ESTIMATED TOTAL	\$ 646.65	\$ 670.95	\$ 695.10	\$ 715.95

Note: There are two charges for physical examinations with stress tests. This occurs because there are two different locations in the hospital where the officers can receive their physical examinations. The charges vary depending on the location. The difference with the cost is that the Lipid Profile (EHD/HDL/LDL/Chol) is included with the Cardiac Package at one location and not the other.

Attachments

Prepared by: Marsha Livingston, Office Coordinator

2001

R/C 420 - EXECUTIVE HEALTH SERVICES 2001 PRICES OF INTERNAL FACILITY & PROFESSIONAL FEES AS OF JANUARY 29, 2001

PRICES SUBJECT TO CHANGE WITHOUT NOTICE

FACILIT	· ·			~ ra/	~~~~		
CODE	DESCRIPTION					<u>; 2</u>	OTAL
<u>UUDL</u>	GENERAL						
00039	Comprehensive History & Physical					• 1/5	121.45
	Height, Weight, Blood Pressure, Pulse						
00092	Flexible Sigmoidoscopy					* 5	92.05
09902	Pap Smear					2	31.20
V)/VL	, ob organ					•	V (.20
	ELECTROCARDIOGRAM						
09370	Resting EKG					√ s	138.20
	Coronary Risk Assessment (see lab)					•	
03490	Cardiāc Rehab Package					√ s	362.05
	(inc). Stress test, etc.)	•				•	
	•						
	LABORATORY						
	Coronary Risk Assessment (CRA):						
08019	Biochemistry Profile					\$	61.75
06129	HDL Cholesterol					√ \$	38.35
	LDL Cholesterol						
	CHD Risk Index						
06234	Complete Blood Count W/differential					\$	37.05
	Electrolytes	. ••					
08700	Urinalysis				•	√\$	31.85
09670	Hemocculi Slides					2	20.80
06212	Glycosylaied Hemoglobin					\$	34.45
06017	PSA (Prosthetic Specific Antigen)					\$	50.05
09687	VDRL (Blood Serology)			•		\$	26.00
08646	2-hour Blood Sugar (includes Glucola)				•	\$	31.20
08625	Drug Screen (urine)					\$	34.61
06292	Hepatitis B = Core AB						61.75
06146	HIV AS					√ S	42.25
	X-RAYS						
07472	Chest X-Ray (2 views)					2	132.00
07580	Screening Mammogram						168.95
			-			S	
0 9846	Pulmonary Function Screen 09 833					\$	43.55
07101	Chest SGL/or						103.00
07348	Gall Bladder					_	175.90
07337	Upper Gastrointestinal						328.40
07345	Barium Enema with air contrast			•		_	450.20
00075	Dietary consultation (\$21/15 minutes)					.	54.60
	HEARING EXAMINATION						
2/00330	Audiometric Evaluation					2	59.80
O 00335	Audiometric Screen					\$	37.70
900332	Speech Testing Audiometer					2	39.65
-	* Other professional fees may apply and F				ı	٠	

INTERNAL_PRICES.XLS 1/29/01

CONSENT AGENDA- CONTINUED

Bid Waiver - TPOA Physical Examinations - Revision

E-5

Resolution #2000-118-E-5

WHEREAS, a contract was awarded to William Beaumont Executive Health Service using a price schedule reporting an across the board 3% increase in 2000 prices (Resolution 2000-19); and

WHEREAS, upon formal issuance of 2000 prices, the prices were not as originally reported,

NOW, THEREFORE, BE IT RESOLVED, that the corrected pricing schedule for 2000 is hereby accepted for the contract to conduct pre-test physicals by William Beaumont Executive Health Service at unit prices provided in the Pricing Schedule attachment prepared by the Police Department (dated March 8, 2000) which is based upon the Beaumont Schedule dated March 6, 2000, a copy of which shall be attached to the original minutes of this meeting. An estimated total of \$62,500 will be spent for the pre-test physicals expiring June 30, 2000.

March 10, 2000

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TO:

The Honorable Mayor and City Council

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ABORD CENT OF CONTROL OF THE SECOND

FROM:

John Szerlag, City Manager

Jeanette Bennett, Director of Purchasing

Charles T. Craft, Chief of Police (Charles

SUBJECT: Bid Waiver - TPOA Physical Examinations - Revision

RENEWAL OF A BID WAIVER - REVISION

The Troy City Council approved the renewal of a contract with William Beaumont Hospital to conduct pre-test physicals on January 10, 2000, in accordance with the pricing schedule dated December 28, 1999. The Council Resolution number is 2000-19 and expires June 30, 2000. The 2000 prices for the pre-test physicals were calculated in error. Carol Holth, Administrative Director at Executive Health/InterHealth, William Beaumont Hospital, originally calculated the prices at a 3% increase across the board. As it turns out, there was not an increase across the board. Some of the reported 2000 prices decreased, while others increased at rates other than 3%. The Department requests approval of the change to the reported 2000 prices, in accordance with the attached pricing schedule dated March 8, 2000 at actual 2000 prices. All other prices in the schedule dated December 28, 1999 remain the same.

HISTORY

As a result of a 1988 TPOA/City arbitration ruling, a physical fitness test for police officers was established. The terms of the award require that the test and pre-test physical be given every two years, with all costs absorbed by the City.

A City/Union Joint Committee, which was established through arbitration, has established the testing components of the physical fitness test and pre-test physicals. William Beaumont Executive Health Service was selected to conduct the pre-test physicals, and the Training Section performs the physical fitness tests through the use of our computerized physical fitness testing equipment. Before we can conduct our 1999 fitness testing, we must again provide a health screen for our officers.

E-5

WILLIA BEAUMONT EXECUTIVE HEALT, BERVICE

PRICING SCHEDULE 21-300 241 - Car Zarne of West Commence to Separate and Test Separ

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PHYSICAL EXAMINATION WITHOUT STRESS TEST

. 1966 	jiy edd fan i	Reported	Actual	
		2000 Prices	2000 Prices	
History and Physical Examination		\$ 123.00	\$ 120.15	i de la reduce de la reduce
EHS Blood Profile		63.60	61.75	nare Secreta
Lipid Profile (EHS/HDL/LDL/Chol)		39.50	38.35	till av er er grant generation in
Urinalysis		32.81	31.85	
Electrocardiogram (resting EKG)		112.79	113.75	
HIV		39.14	40.30	
Heptatis B Screen		58.92	59.15	
•	TOTAL	\$ 469.76	\$ 465.30	,

PHYSICAL EXAMINATION WITH STRESS TEST

		Reported	Actual
		2000 Prices	2000 Prices
History and Physical Examination		\$ 123.00	\$ 120.15
EHS Blood Profile		63.60	61.75
Lipid Profile (EHS/HDL/LDL/Chol)		39.50	38.35
Urinalysis		32.81	31.85
Cardiac Package		347.47	347.75
HIV		39.14	40.30
Heptatis B Screen		58.92	59.15
	TOTAL	\$ 704.44	\$ 699.30

PHYSICAL EXAMINATION WITH STRESS TEST

		Reported 2000 Prices	Actual 2000 Prices
History and Physical Examination		\$ 123.00	\$ 120.15
EHS Blood Profile		63.60	61.75
Lipid Profile (EHS/HDL/LDL/Chol)		(39.50)	(38.35)
Urinalysis		32.81	31.85
Cardiac Package		347.47	347.75
HIV		39.14	40.30
Heptatis B Screen		58.92	59.15
	TOTAL	\$ 664.94	\$ 660.95

March 8., 2000

HOWARE TRANSPORTED AND THE HOUSE AND THE LOWER

Note: There are two charges for physical examinations with stress tests. This occurs because there are two different locations in the hospital where the officers can receive their physical examinations. The charges vary depending on the location. The difference with the cost is that the Lipid Profile (EHS/HDL/LDL/Chol) is included with the Cardiac Package at the one location and not the other.

CTC/ml	A000 Prices		History and Physical Examination
Attachmen	ts	08.58	EHS Blood Profile Lipid Profile (EHS:HDL/LDUChol)
	35 f	22.84	Udnalysis Electrocardiogram (resting EKQ) — Hetz
	- 08.04 - 31.03 	41.96 19.00	निकृतिकृति है डिलक्का
		10 146 PM	

PHYSICAL EXAMINATION WITH STRESS TEST

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	- 13.28 	
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33.10		
01.380	\$4.7.65	Sandino Packogé (militas)
36.08	38.16	
		need & delingth

PHYSICAL EXAMINATION WITH STRESS TEST

\$500000 \$500000000000000000000000000000	Fagoriad \$125.00 \$125.00 \$3.60 (39.50) \$2.81 247.47 \$6.14	History and Physical Examination EHS Blood Physic Lipid Physia (SH 344DL/CDL/Cha) Linalysis Campa Physicago Hilly Hill

March 8., 2000

R/C 42 EXECUTIVE HEALTH SERVICES 2000 PRICES OF ... TERNAL FACILITY & PROFESSIO. AL FEES AS OF MARCH 6, 2000 PRICES SUBJECT TO CHANGE WITHOUT NOTICE

FACILIT CODE	DESCRIPTION	To describe the committee of	<u> </u>
00039	GENERAL Comprehensive History & Physical	 Specifical Control of the Control of t	120.15
V 0037	Height, Weight, Blood Pressure, Pulse	and the second of the second o	120.15
00092	Flexible Sigmoidoscopy	•	90.10
09902	Pap Smear		30.55
	ELECTROCARDIOGRAM		
09370	Resting EKG	enskalekti, saat ilej kurak, keap eruin kaja urasa ri e	113.75
137		प्रदेश <mark>कों के</mark> असीर कर्मे कारे प्राप्त कि अने कार्य के प्राप्त की	
03490	Cardiac Rehab Package (incl. Stress test, etc.)	Eventym if melt op teer fin en ee egen af beter \$	347.75
	LABORATORY		
	Coronary Risk Assessment (CRA):	en e	
08019	Biochemistry Profile	\$	61.75
06129	HDL Cholesterol A. (1987) 198 (44)		
,	LDL Cholesterol	· · · · · · · · · · · · · · · · · · ·	al Jay
	CHD Risk Index		
06234	Complete Blood Count W/differential	\$	37.05
	Electrolytes		
08700	Urinalysis.	in the state of th	31.85
09670	Hemoccult Slides		20.80
06212	Glycosylated Hemoglobin	현 (현류의 B. 역의 12분의 등 12. 12학 -) 1 등 12학 - (S	34.45
06017	PSA (Prosthetic Specific Antigen)	\$	50.05
09687	VDRL (Blood Serology)	and seek jing naratik salay (ting sekata) seny	24.70
08646	2-hour Blood Sugar (includes Glucola)	\$	31.20
08625	Drug Screen (urine)	tinin si kananing ngapatawa na aniberati katang 🗞	34.61
06292	Hepatitis B - Core AB		59.15
06146	HIV AB	and the second of the second o	40.30
9i.	MARKET STATES AND A STATE OF THE STATES AND A STATES AND		d gar
07472	Chest X-Ray (2 views)		107.90
07580	Screening Mammogram		144.95
09846	Pulmonary Function Screen	たずらは、「発動とします」とは関い、一発したコルをはなった。はずらしたのはなり、そうことは、ことには、コルフリンとは、コルフリン	41.60
07101		[물론] 이번 항상화적이 된 문화를 보면 중요요? 하나 되고 이 문화는 19일 (이 반)를	85.80 145.60
07348	Gan Bladder	and the contract of the contra	273.65
07337 0 7345	Opper Gastrointestinal		374.40
00075	Dietary consultation (\$20/15 minutes)		52.00
00073	Back-Comprehensive Test	·	32300
	•	Angle of the	Tay or the
	HEARING EXAMINATION		
00330	Audiometric Evaluation		57.20
00335	Audiometric Screen		35.75
00332	Speech Testing Audiometer	2	37.70
	* Other professional face may small and i		

* Other professional fees may apply and F

INTERNAL_PRICES.XLS 3/6/00

Resolution #2000-19 Moved by Allemon Seconded by Pallotta

WHEREAS, as a result of a 1988 Troy Police Officers Association/ City of Troy arbitration ruling, physical fitness tests and pre-test physicals for the City of Troy Police Officers are required every two years, with all costs being absorbed by the City; and

versymmetrical properties of the properties of t THE LANGE CONTRACTOR OF PLANTS SAFERING A CONTRACTOR 特数定门设置 经成款的 形态天成 COVERN TEORNAL TO LILANDE TE INO DE RECEPT

WHEREAS, a City/Union Joint Committee selected William Beaumont Executive Health Service to conduct the pre-test physicals; and

WHEREAS, a waiver of bids was approved by the Troy City Council for 1997-98 testing (Resolution #97-736-C-7): and

CITY COUNCUL MINUTES

1 1071 3

January 10, 2000

รัสเสมาก หรือ รักการ อยากกระ ยอกเลื่อ การเลย

《被理学系的图》《四》,这一个从八字时

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· 小型系统系统等。 teran kutik da eta begit hirakasan dia wasa wik**a** maganom nowe a op eo lakgilok

REGULAR BUSINESS – CONTINUED

Renewal of Testing Service for William Beaumont Hospital - Continued F-7

WHEREAS, the 1999-00 testing is commencing due to the arbitration ruling requirement which includes a two year testing frequency; and

WHEREAS, it is the determination of the City Manager and City Council of the City of Troy that no benefit would result for the City to solicit additional sealed bids; Bayret Color Shell world.

NOW, THEREFORE, BE IT RESOLVED, that formal bidding procedures are hereby waived and a contract to conduct pre-test physicals is hereby awarded to William Beaumont Executive Health Service at unit prices provided in the Pricing Schedule attachment (dated December 28, 1999), a copy of which shall be attached to the original minutes of this meeting. An estimated total of \$62,500 will be spent for the Commission of February Beauty Beauty Contribution sach evaskuchyavenik serifi pre-test physicals.

Yes:

All-6

Absent:

Schilling

December 28, 1999

TO:

The Honorable Mayor and City Council

FROM:

John Szerlag, City Manager Jeanette Bennett, Director of Purchasing

Charles T. Craft, Chief of Police Charles

TPOA Physical Examinations - Renewal of Contract SUBJECT:

RENEWAL OF A BID WAIVER

The Department requests a renewal of the contract with William Beaumont Hospital to conduct pre-test physicals established by Resolution #97-736-C-7. This contract resulted from a waiver of bid request for this facility, which had been selected by the City/Union committee established through a 1988 Arbitration Ruling. Current unit prices are included in the attachment. The TPOA physical examinations are included in the 1999-2000 budget.

It must be noted that inadvertently most of the testing for 1999 has already occurred under the 1999 pricing structure. The pricing is slightly higher than the 1997 prices. The prices will again increase for the year 2000 for the few officers who have yet to test.

HISTORY

As a result of a 1988 TPOA/City arbitration ruling, a physical fitness test for police officers was established. The terms of the award require that the test and pre-test physical be given every two years, with all costs absorbed by the City.

A City/Union Joint Committee, which was established through arbitration, has established the testing components of the physical fitness test and pre-test physicals. William Beaumont Executive Health Service was selected to conduct the pre-test physicals, and the Training Section performs the physical fitness tests through the use of our computerized physical fitness testing equipment. Before we can conduct our 1999 fitness testing, we must again provide a health screen for our officers.

THE ART OF THE STREET STREET, THE

WILLIAM BEAUMONT EXECUTIVE HEALTH SERVICE

PRICING SCHEDULE

PHYSICAL EXAMINATION WITHOUT STRESS TEST

and the state of t	1997		
History and Physical Examination	\$ 118.20	1999	2000
EHS Blood Profile	57.85	\$ 119 <u>.50</u>	\$ 123.00
Lipid Profile (EHS/HDL/LDL/Chol)	的复数化复数物质等的 医二十二 电过滤器 医电路	61.75	63.60
Urinalysis	35.75	38.35	39.50
Electrocardiogram (resting EKG)	29.25	31.85	32.81
HIV bester & traces and	102.05	109.85	112.79
Heptatis B Screen	36.40	39.00	39.14
2 0010011	53.30	57.20	58.92
ESTIMATED TOTAL	\$ 432.80	¢ 157 50	e to men in the control of the control of
	Ψ -υε.ου	\$ 457.50	\$ 469.76
DUVCIOAL EVALUATION AT THE PROPERTY OF THE PRO			
PHYSICAL EXAMINATION WITH STRESS TE	<u>ST</u>		Maybu tata Natabasa di
		gradi amida da sa da A	
say ya testosken agad tekni. Jetwyylicia arid		1999	2000
History and Physical Examination		\$ 11 <u>9.50</u>	\$ 123.00
EHS Blood Profile (S. A. B. B. A. B. B. A. B. B. A. B.		61.75	63.60
Lipid Profile (EHS/HDL/LDL/Chol)		38.35	39.50
Urinalysis '	San	24.05	32.81
Cardiac Package	The Section 1993	207.00	347.47
HIV worked travel between the afficient order of the parties		20.00	39.14
Heptatis B Screen	right a sign was been a	57.20	58.92
ESTIMATED TOTAL	•		
LSTIMATED TOTAL		\$ 685.00	\$ 704.44
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PHYSICAL EXAMINATION WITH STRESS TES	SP ORTER DE LA TO	il editikishos e	evenismo.
e galden et nederled error in			vá uzoletysva j
	1997	1999	2000
History and Physical Examination	\$ 118.20	\$ 1 <u>19.50</u>	2000 \$ 123.00
EHS Blood Profile and base hear a month is story and	E7 0E	61.75	2. " " " " " " " " " " " " " " " " " " "
Lipid Profile (EHS/HDL/LDL/Chol)	네트라이트시설에는 살았다면서 다	(38,35)	63.60
Unnalysis is a second or a series before the series of the	11 10 00 00 00 00 00 00 00 00 00 00 00 0	31.85	(39.50)
	217.20	337.35	32.81
- Proping the trib begins after a beautiful at the ball in	36.40	39.00	347.47
Heptatis B Screen	53.30	57.20	39.14
	33.00	37.20	58.92
ESTIMATED TOTAL	\$ 612.20	\$ 646.65	\$ 664.96
	·	÷ • • • • • • • • • • • • • • • • • • •	4 004.20

Note: There are two classes for physical examinations with cases tests. This occurs because there are two different locations in the hospital where the officers can receive their physical examinations. The charges vary depending on the location. The difference with the cost is that the Lipid Profile (EHS/HDL/LDL/Chol) is included with the Cardiac Package at the one location and not the other.

CTC/mf

Attachments



xecutive Health

Protecting your company's most valuable asset
248-551-0530

1999 CORPORATE PRICE LIST

History and Physical Examination	\$119.50
LABORATORY:	
Complete Blood Count	37.05
VDRL (Blood Serology)	23.40
EHS Blood Panel	61.75 /
HDL/LDL/Chol	38.35
Urinalysis	31.85
Hemoccult Blood Slides	20.80
PSA (Prostate Specific Antigen)	50.05
Pap Smear (Females)	29.25
Drug Screen (Urine)	35.75
Chest X-ray (2 views)	104.00
Resting EKG (12 lead)	109.85 🗸
Cardiac Package (Stress Test/exercise prescription)	337.35
Screening Mammogram	140.40
Flexible Sigmoidoscopy	33.30
Pulmonary Function test	40.30
Barium Enema X-ray (air contrast)	363.35
Upper Gastrointestinal X-ray	265.20

Prices subject to change



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REQUEST FOR WAIVER OF BIDS - TROY POLICE OFFICERS ASSOCIATION PHYSICAL EXAMINATIONS

C-7

Resolution #97-736 - C-7

WHEREAS, as a result of a 1988 Troy Police Officers Association/City of Troy arbitration ruling, physical fitness tests and pre-test physicals for City of Troy Police Officers are required every two years, with all costs being absorbed by the City; and

WHEREAS, a City/Union Joint Committee selected William Beaumont Executive Health Service to conduct the pre-test physicals; and

WHEREAS, an estimated 14 physicals without stress tests and 72 physicals with stress tests are required for Troy Police Officers, at a unit cost to the City of Troy of \$432.80 and \$612.20 respectively; and

WHEREAS, it is the determination of the City Manager and City Council of the City of Troy that no benefit would result for the City to solicit additional sealed bids;

NOW, THEREFORE, BE IT RESOLVED, that formal bidding procedures are hereby waived and a contract to provide physical fitness test, pre-test physical examinations of Troy Police Officers is hereby awarded to William Beaumont Executive Health Service at unit prices provided in a quotation dated August 8, 1997, a copy of which shall be attached to the original minutes of this meeting, for a total estimated total cost to the City of Troy of \$55,000.

JATOT CRTAMITER

TO:

The Honorable Mayor and City Council

FROM:

James C. Bacon, Jr., City Manager 15
Jeanette Bennett, Director of Purchasing

Lawrence R. Carey, Chief of Police

SUBJECT: TPOA Physical Examinations - Waiver of Bids

88.SK

RECEIVED

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CITY MANAGES'S OFFICE

INTRODUCTION

As a result of a 1988 TPOA/City arbitration ruling, a physical fitness test for police officers was established.

The terms of the award require that the test and pre-test physical be given every two years, with all costs absorbed by the City.

A City/Union Joint Committee, which was established through arbitration, has established the testing components of the physical fitness test and pre-test physicals. William Beaumont Executive Health Service was selected to conduct the pre-test physicals and the Training Section performs the physical fitness tests through the use of our computerized physical fitness testing equipment. Before we can conduct our 1998 fitness testing, we must again provide a health screen for our officers.

MEDICAL NEEDS - PHYSICAL BY AGE

According to committee conversations with medical doctor Barry Franklin of William Beaumont Hospital, a stress test physical is needed at least once every two years for those individuals over 40 years of age, once every three years for those 30 to 40 years of age and for those in their twenties, once every five years.

86 total physicals are estimated based upon current staffing, with an estimated 72 officers requiring a stress test.

PHYSICAL EXAMINATION WITHOUT STRESS TE	ST
History and Physical Examination \$	118.20
Resting Electrocardiogram	102.05
Biochemistry Blood Profile	57.85
HDL Cholesterol	35.75
HIV	36.40
Hepatitis B Screen	53.30
Urinalysis	29.25

ESTIMATED TOTAL \$ 432.80

Page Two

PHYSICAL EXAMIN		STRESS TES	Ι		
History and Physica	I Examination	\$			
Stress Test		regandin ga	317.20		FACIN:
Biochemistry Blood	Profile	STICK OF PARKS	57.8) is a most	
HDL Cholesterol		eath of the total			
HV	a tha the tree are st		36.40) 9 *\	ATTENNES CENTER
Hepatitis B Screen					A STATE OF THE STA
Urinalysis			29.2	<u>5</u>	

ESTIMATED TOTAL

\$ 612.20

HROBBATION

Estimated 72 Officers require stress physical @ \$612.20 each = \$44,078.00 Estimated 14 Officers require physical only @ \$432.80 each = \$ 6,059.20

Total = \$50,137.20

WAIVER OF BID REQUEST

The Police Department has budgeted for police officer physicals in the 1997-98 budget. The Department requests a waiver of bids for William Beaumont Hospital to conduct pre-test physicals for an estimated cost of \$55,000.00, since this facility has been selected by the City/Union committee established through arbitration, and since I feel that the negotiated price is fair for the services rendered.

LRC/lp

SECTION NEEDS - PRYSICAL DO NOT

years, with all cours absorbed by the City

Attachments

Administration of the convergence with medical declar target services of the convergence of the

\$3 total anystrate are as a cated based upon cument station, with an estimated \$2 officers required a attest tast.

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465 456	1000	200				45.	J . 190	 40.00	and the same			t was as	at dear								

August 13, 1997

TO:

Chief Lawrence R. Carey

FROM:

P.O. Colleen A. Mott

SUBJECT: Microfit Committee Results

The Microfit Committee (PO. Steele, PO Livingston, PO Crawford, Peggy Clifton, Earl Hamb) has agreed to continue to use Beaumont Executive Health Center for Physical Examinations and Stress Tests for Troy police officers as defined in General Order #40.

La De La Company

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If you have any questions, please contact me at ext. 3531.

Trade character is a restrict to the express in

Cc: Capt. Murphy Lt. Slater Sgt. Knapp

terille tengal

Beaumont

William Beaumont Hespital

Please deliver the following pages to:

Name: Linda Parsono/ Chief Carey

Company/Department: They PD

Fax Number: 524-9023

Instructions:

Revised prices for Officers
Do you have any idea when you want to start scheduling so we can black out the appropriate time!

Of lasks as y late marring hearly afternoon appte wice workheet - sk?)

Pleue let me know assp

From:

Name: Lynde Vasser

Dept:

Executive Health / InterHealth

Phone:

(248) 551-0530

(248) 551-0496

Fax Number:

(248) 551-8160

Number of pages (including cover letter):

Date: \$/28/57

يت ت ا

Royal Oak



fax: 689.6884

August 8, 1997

Officer Colleen Mott Troy Police Department 505W. Big Beaver Troy, Michigan 48084

Dear Colleen:

Per your request, the following page contains my quote for the Troy Police Department physical examinations - with and without a stress test. Please note that these prices will be in effect as of 9/1/97, and reflect a larger discount that previously given to our corporate clients.

oranggapagagaran di kabupat sa bilanggapaga Bina Paranggapagan an bilanggapagan sa bilanggapagan bilanggapagan bilanggapagan bilanggapagan bilanggapagan b Bina Paranggapagan bilanggapagan bilanggapagan bilanggapagan bilanggapagan bilanggapagan bilanggapagan bilang

I am also sending a copy of our Account Information Sheet, which contains our guidelines for these exams. I would appreciate your reviewing these also to make sure we are in compliance with what you want included. Regarding the stress test frequencies, since our conversation the other day, I have also added that information regarding age and frequency to our Account Sheet.

Please feel free to contact me if there are any changes to be made in either the program or the prices and I will be happy to discuss them with you. I look forward, as always, to working with you and your fellow officers again this year.

Regards,

Lynda Hassan, Manager Executive Health Service - Revised -

1997 TROY POLICE DEPARTMENT PHYSICAL EXAMINATIONS

EXAMS WITHOUT STRESS TEST

History and Physical Examination	118.20	
Resting Electrocardiogram	102.05	The second second
Biochemistry Blood Profile	57.85	
HDL Cholesterol	35.75	
HIV	36.40	
Hepatitis B Screen	53.30	
Urinalysis	29.25	
	A40A 04	and the State of t
TOTAL;	\$432.80	
		THE MINISTER WAS A STATE

EXAMS WITH STRESS TEST

and morning (Leo	dos your all sil	atous any outle	AN AGES GOMA	ode od oto	rest mor to T
Hist	ory and Physical	Examination	118.2	O Divinion	Andraideire
Stre	ss Test	ovij vlakivom			àba dukw
Bio	chemistry Blood	Profile	57.8	5	
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	atitis B Screen				
With the Control of Unit	nalysis	- jydfangar deste	29,2	5 13 420 513.	
dik ti matgo a, wit t	TOT	AL:	<u>\$612.</u>	<u> 20</u>	dilong track

These prices will be effective 9/1/97, and reflect an increased "corporate discount"

The Mark Andrews of the Control of t

	sig Beaver
ADDRESS: 3000 JV. A	LEO PUL
Tray M	1 43087 1 20 TT 101 261 1 29 1 201
CONTACT PERSONPHONE: Ofer	. Collier mott 524-3531 FAX: 689-6884
OW I BYO ADDRESS (I Liferant).	
BILLING ADDRESS (if different):(Attention of:)	
check here if Company requires copy of report ATTENTION:	EVAM RESULTS TO PATIENT ONLY!
AUTHORIZED TESTS:	
EACH EXAM:	check here if exam is to be based on individual patient's needs
History and Physical Examination Complete Blood Count	Check neite it exam is to be based on many mind pattern a most
Biochemistry Blood Profile HDL Cholesterol	
Urinalysis	check here if exam is not to exceed a dollar amount AMOUNT:
Glycolsylated Hemoglobin Occult Blood Slides	ANIOUNI
Additional Lab Tests:	
L HEP B SLREEN	
IF INCLUDING TESTS BELOW, PLEASE (and if based on age, symptoms, history):	E NOTE FREQUENCY OF TESTS, IF OTHER THAN EACH EXAM
PSA (males over age)	
Pap Smear (females):	
Resting Electrocardiogram: JF No.	O STRESS TEST
Chest X-Ray:	
Pulmonary Function Screen:	
Flexible Sigmoidoscopy: Cardiac Pkg (Stress Test): 30	ER 30: EVERY 5 YRS OVER 40: EVERY 2 YRS
	34 , 64664 3 7621
Mammogram (females):	
Tonometry/Gross Vision (Glaucoma As Above, including Refraction:	Check):
Consultations with Specialists, if indi	Care An An Analysis
Other Tests and Frequency or Indications: ((song Dereens being done elsewhere
If additional studies are recommended by ex	xamining physician, please check one:
If additional studies are recommended by ex	
Advise patient in summary letter to fo	follow up with personal physician

R/C 420 - EXECUTIVE HEALTH SERVICES 2001 PRICES OF INTERNAL FACILITY & PROFESSIONAL FEES AS OF JANUARY 29, 2001

PRICES SUBJECT TO CHANGE WITHOUT NOTICE

FACILIT	Υ			35% discount
CODE	DESCRIPTION			IOIAC
	GENERAL	•		\$ 121.45
00039	Comprehensive History & Physical			
	Height, Weight, Blood Pressure, Pulse			\$ 92.05
00092	Flexible Sigmoidoscopy			\$ 31.20
09902	Pap Smear			
	ELECTROCARDIOGRAM		\	118.95 \$ 138.20 V
09370	Resting EKG			J 130.20
	Coronary Risk Assessment (see lab)			\$ 362.05
03490	Cardiac Rehab Package			\$ 502.05
	(incl. Stress test, etc.)			
	LABORATORY		7 40 0000	
	Coronary Risk Assessment (CRA):			\$ 61.75
08019	Biochemistry Profile			\$ 38.35
06129	HDL Cholesterol			3 3 0.33
	LDL Cholesterol			
	CHD Risk Index		Y.	\$ 37.05
06234	Complete Blood Count W/differential			• • • • • • • • • • • • • • • • • • • •
	Electrolytes			\$ 31.85
08700	Urinalysis			\$ 20.80
09670	Hemoccult Slides			\$ 34.45
06212	Glycosylated Hemoglobin			\$.50.05
06017	PSA (Prosthetic Specific Antigen)			\$ 26.00
09687	VDRL (Blood Serology)			\$ 31.20
08646	2-hour Blood Sugar (includes Glucola)			\$ 34.61
08625	Drug Screen (urine)			\$ 61.75
06292	Hepatitis B - Core AB			\$ 42.25
06146	HIV AB			\$ 26.00
	Τ _η X-RAYS			
07472	Chest X-Ray (2 views)			\$ 132.00
07580	Screening Mammogram			\$ 168.95
09846	Pulmonary Function Screen			\$ 43.55
07101	Chest SGL/or			\$ 103.00
07348	Gall Bladder			\$ 175.90
07337	Upper Gastrointestinal			\$ 328.40
07345	Barium Enema with air contrast			\$ 450.20
00075	Dietary consultation (\$21/15 minutes)			\$ 54.60
	HEARING EXAMINATION			
00770	Audiometric Evaluation			\$ 59.80
00330				\$ 37.70
00335	Audiometric Screen Speech Testing Audiometer			\$ 39.65
00332	Speech Legung Variotheres			

^{*} Other professional fees may apply and Financial Analysis does not maintain these prices.

07/12/01

CONSENT AGENDA- CONTINUED

Bid Waiver - TPOA Physical Examinations - Revision

E-5

Resolution #2000-118-E-5

WHEREAS, a contract was awarded to William Beaumont Executive Health Service using a price schedule reporting an across the board 3% increase in 2000 prices (Resolution 2000-19); and

WHEREAS, upon formal issuance of 2000 prices, the prices were not as originally reported,

NOW, THEREFORE, BE IT RESOLVED, that the corrected pricing schedule for 2000 is hereby accepted for the contract to conduct pre-test physicals by William Beaumont Executive Health Service at unit prices provided in the Pricing Schedule attachment prepared by the Police Department (dated March 8, 2000) which is based upon the Beaumont Schedule dated March 6, 2000, a copy of which shall be attached to the original minutes of this meeting. An estimated total of \$62,500 will be spent for the pre-test physicals expiring June 30, 2000.

March 10, 2000

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TO:

The Honorable Mayor and City Council

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ABORD CENT OF CONTROL OF THE SECOND

FROM:

John Szerlag, City Manager

Jeanette Bennett, Director of Purchasing

Charles T. Craft, Chief of Police (Charles

SUBJECT: Bid Waiver - TPOA Physical Examinations - Revision

RENEWAL OF A BID WAIVER - REVISION

The Troy City Council approved the renewal of a contract with William Beaumont Hospital to conduct pre-test physicals on January 10, 2000, in accordance with the pricing schedule dated December 28, 1999. The Council Resolution number is 2000-19 and expires June 30, 2000. The 2000 prices for the pre-test physicals were calculated in error. Carol Holth, Administrative Director at Executive Health/InterHealth, William Beaumont Hospital, originally calculated the prices at a 3% increase across the board. As it turns out, there was not an increase across the board. Some of the reported 2000 prices decreased, while others increased at rates other than 3%. The Department requests approval of the change to the reported 2000 prices, in accordance with the attached pricing schedule dated March 8, 2000 at actual 2000 prices. All other prices in the schedule dated December 28, 1999 remain the same.

HISTORY

As a result of a 1988 TPOA/City arbitration ruling, a physical fitness test for police officers was established. The terms of the award require that the test and pre-test physical be given every two years, with all costs absorbed by the City.

A City/Union Joint Committee, which was established through arbitration, has established the testing components of the physical fitness test and pre-test physicals. William Beaumont Executive Health Service was selected to conduct the pre-test physicals, and the Training Section performs the physical fitness tests through the use of our computerized physical fitness testing equipment. Before we can conduct our 1999 fitness testing, we must again provide a health screen for our officers.

E-5

WILLIA BEAUMONT EXECUTIVE HEALT, BERVICE

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PHYSICAL EXAMINATION WITHOUT STRESS TEST

. 1967.	jiy edd fan i	Reported	Actual	
		2000 Prices	2000 Prices	
History and Physical Examination		\$ 123.00	\$ 120.15	i de la reduce de la reduce
EHS Blood Profile		63.60	61.75	nare Secreta
Lipid Profile (EHS/HDL/LDL/Chol)		39.50	38.35	till av er er grant generation in
Urinalysis		32.81	31.85	
Electrocardiogram (resting EKG)		112.79	113.75	
HIV		39.14	40.30	
Heptatis B Screen		58.92	59.15	
•	TOTAL	\$ 469.76	\$ 465.30	,

PHYSICAL EXAMINATION WITH STRESS TEST

		Reported	Actual
		2000 Prices	2000 Prices
History and Physical Examination		\$ 123.00	\$ 120.15
EHS Blood Profile		63.60	61.75
Lipid Profile (EHS/HDL/LDL/Chol)		39.50	38.35
Urinalysis		32.81	31.85
Cardiac Package		347.47	347.75
HIV		39.14	40.30
Heptatis B Screen		58.92	59.15
	TOTAL	\$ 704.44	\$ 699.30

PHYSICAL EXAMINATION WITH STRESS TEST

		Reported 2000 Prices	Actual 2000 Prices
History and Physical Examination		\$ 123.00	\$ 120.15
EHS Blood Profile		63.60	61.75
Lipid Profile (EHS/HDL/LDL/Chol)		(39.50)	(38.35)
Urinalysis		32.81	31.85
Cardiac Package		347.47	347.75
HIV		39.14	40.30
Heptatis B Screen		58.92	59.15
	TOTAL	\$ 664.94	\$ 660.95

March 8., 2000

HOWARE TRANSPORTED AND THE HOUSE AND THE LOWER

Note: There are two charges for physical examinations with stress tests. This occurs because there are two different locations in the hospital where the officers can receive their physical examinations. The charges vary depending on the location. The difference with the cost is that the Lipid Profile (EHS/HDL/LDL/Chol) is included with the Cardiac Package at the one location and not the other.

CTC/ml	A000 Prices		History and Physical Examination
Attachmen	ts	08.53	EHS Blood Profile Lipid Profile (EHS:HDL/LDUChol)
	35 f	22.84	Udnalysis Electrocardiogram (resting EKQ) — Hetz
	- 08.04 - 31.03 	41.96 19.00	निकृतिकृति है डिलक्का
		10 146 PM	

PHYSICAL EXAMINATION WITH STRESS TEST

SALEA SALET OCOS	behoga/i eeo/i/1 000\$ 00 231 3	History and Physical Exampation.
		ineen yen a agarem arangaran . 243 Blood Prolis
	- 96.88 - 96.98	Light Profile (EHSHRUGUS) OLIGINIT
- 36.256 - 36.133		- Carrier of the Control of the Cont
		Cardino Package
00.0%	31.88	VIII
		neens same
02.446		

PHYSICAL EXAMINATION WITH STRESS TEST

\$500.00 \$500.00 \$7.00 \$7.00 \$6.00 \$6.00 \$6.00 \$6.00 \$7.00 \$6.00	Fagurad 2000 Proces \$ 125.00 63.60 (39.50) 22.81 22.81 247.47 56.14	History and Physical Examination EHS Blood Postlo Upid Profile (EHSARDULD), (Charles Usinalysis Camino Profilege HIV Hopistis & Screen

March 8., 2000

R/C 42 EXECUTIVE HEALTH SERVICES 2000 PRICES OF ... TERNAL FACILITY & PROFESSIO. AL FEES AS OF MARCH 6, 2000 PRICES SUBJECT TO CHANGE WITHOUT NOTICE

FACILIT CODE	DESCRIPTION	To describe the committee of	<u> </u>
00039	GENERAL Comprehensive History & Physical	 Specifical Control of the Control of t	120.15
V 0037	Height, Weight, Blood Pressure, Pulse	and the second of the second o	120.15
00092	Flexible Sigmoidoscopy	•	90.10
09902	Pap Smear		30.55
	ELECTROCARDIOGRAM		
09370	Resting EKG	enskalekti, saat ilej kurak, keap eruin kaja urasa ri e	113.75
137		प्रदेश <mark>कों के</mark> असीर कर्मे कारे प्राप्त कि अने कार्य के प्राप्त की	
03490	Cardiac Rehab Package (incl. Stress test, etc.)	Eventym if melt op teamer and ground bras. \$	347.75
	LABORATORY	्र विक्रमें तुम्बारक्षक विकास क्षेत्रक क्षेत्रकी के स्वयंत्री है किसी विकास सिंहा है है	
	Coronary Risk Assessment (CRA):	en la companya de la	
08019	Biochemistry Profile	\$	61.75
06129	HDL Cholesterol A. (1987) 198 (44)		
,	LDL Cholesterol	· · · · · · · · · · · · · · · · · · ·	al Jay
	CHD Risk Index		
06234	Complete Blood Count W/differential	\$	37.05
	Electrolytes		
08700	Urinalysis.	in the state of th	31.85
09670	Hemoccult Slides		20.80
06212	Glycosylated Hemoglobin	현 (현류의 B. 역의 12분의 등 12. 12학 -) 1 등 12학 - (S	34.45
06017	PSA (Prosthetic Specific Antigen)	\$	50.05
09687	VDRL (Blood Serology)	and seek jing naratik salay (ting sekata) seny	24.70
08646	2-hour Blood Sugar (includes Glucola)	\$	31.20
08625	Drug Screen (urine)	tinin si kananing ngapatawan na atitografi diang 💩	34.61
06292	Hepatitis B - Core AB		59.15
06146	HIV AB		40.30
	TOTAL STATE OF THE		
07472	Chest X-Ray (2 views)		107.90
07580	Screening Mammogram		144.95
09846	Pulmonary Function Screen	たずらは、「発動とします」とは関い、一般にもは必要はないをします。これには、これには、これには、これには、これには、これには	41.60
07101	Citatoopor	하게 하루즘이 나는 이 경영을 가득하는 것 같아. 그는 사람이 가는 사람이 가는 사람들은 사람들이 다른 사람들이 다른 생각이 없는 사람들이 다른 사람들이 다른 사람들이 다른 사람들이 되었다.	85.80
07348	Gall Bladder	and the contract of the contra	145.60 273.65
07337 0 7345	Opper Gastrointestinal		374.40
00075	Dietary consultation (\$20/15 minutes)		52.00
00073	Back-Comprehensive Test	·	32300
	•	Angle of the	Tay or the
00000	HEARING EXAMINATION		63.00
00330	Audiometric Evaluation	na analas de la companya de la comp	57.20
00335	Audiometric Screen	\$	35.75
00332	Speech Testing Audiometer	\$	37.70
	* Other anaformional fore many annly and i	· 5	

* Other professional fees may apply and F

INTERNAL_PRICES.XLS 3/6/00

Resolution #2000-19 Moved by Allemon Seconded by Pallotta

WHEREAS, as a result of a 1988 Troy Police Officers Association/ City of Troy arbitration ruling, physical fitness tests and pre-test physicals for the City of Troy Police Officers are required every two years, with all costs being absorbed by the City; and

versymmetrical properties of the properties of t THE LANGE CONTRACTOR OF PLANTS SAFERING A CONTRACTOR 特勒拉门 医肾管 经收益制度 不达利亚的 COVERN TEORIST CONTRACTOR STATES

WHEREAS, a City/Union Joint Committee selected William Beaumont Executive Health Service to conduct the pre-test physicals; and

WHEREAS, a waiver of bids was approved by the Troy City Council for 1997-98 testing (Resolution #97-736-C-7): and

CITY COUNCUL MINUTES

1 1071 3

January 10, 2000

รี่สมสังวิทางสรีมีเด็จเกิด เวลาการให้ สมาชาติส์ (การครูสาสตร์

《被理学系的图》《四》,这一个从八字时

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REGULAR BUSINESS – CONTINUED

Renewal of Testing Service for William Beaumont Hospital - Continued F-7

WHEREAS, the 1999-00 testing is commencing due to the arbitration ruling requirement which includes a two year testing frequency; and

WHEREAS, it is the determination of the City Manager and City Council of the City of Troy that no benefit would result for the City to solicit additional sealed bids; Bayret Color Shell reptile

NOW, THEREFORE, BE IT RESOLVED, that formal bidding procedures are hereby waived and a contract to conduct pre-test physicals is hereby awarded to William Beaumont Executive Health Service at unit prices provided in the Pricing Schedule attachment (dated December 28, 1999), a copy of which shall be attached to the original minutes of this meeting. An estimated total of \$62,500 will be spent for the Commission of February Beauty Beauty Beauty sach evaskuchyavenik serifi pre-test physicals.

Yes:

All-6

Absent:

Schilling

December 28, 1999

TO:

The Honorable Mayor and City Council

FROM:

John Szerlag, City Manager Jeanette Bennett, Director of Purchasing

Charles T. Craft, Chief of Police Charles

TPOA Physical Examinations - Renewal of Contract SUBJECT:

RENEWAL OF A BID WAIVER

The Department requests a renewal of the contract with William Beaumont Hospital to conduct pre-test physicals established by Resolution #97-736-C-7. This contract resulted from a waiver of bid request for this facility, which had been selected by the City/Union committee established through a 1988 Arbitration Ruling. Current unit prices are included in the attachment. The TPOA physical examinations are included in the 1999-2000 budget.

It must be noted that inadvertently most of the testing for 1999 has already occurred under the 1999 pricing structure. The pricing is slightly higher than the 1997 prices. The prices will again increase for the year 2000 for the few officers who have yet to test.

HISTORY

As a result of a 1988 TPOA/City arbitration ruling, a physical fitness test for police officers was established. The terms of the award require that the test and pre-test physical be given every two years, with all costs absorbed by the City.

A City/Union Joint Committee, which was established through arbitration, has established the testing components of the physical fitness test and pre-test physicals. William Beaumont Executive Health Service was selected to conduct the pre-test physicals, and the Training Section performs the physical fitness tests through the use of our computerized physical fitness testing equipment. Before we can conduct our 1999 fitness testing, we must again provide a health screen for our officers.

THE ART OF THE STREET STREET, THE

WILLIAM BEAUMONT EXECUTIVE HEALTH SERVICE

PRICING SCHEDULE

PHYSICAL EXAMINATION WITHOUT STRESS TEST

en e	amae awaa nobik eesta	rajanin er Salvakeli (489
History and Physical Examination	<u>1997</u>	1999	2000
EHS Blood Profile	\$ 118.20	\$ 119.50	\$ 123.00
Lipid Profile (EHS/HDL/LDL/Chol)	57.85	61.75	63.60
Urinalysis	35.75	38.35	39.50
Electrocardiogram (resting EKG)	29.25	31.85	32.81
HIV to stand it is said and a said and a said	102.05	109.85	112.79
Heptatis B Screen	36.40	39.00	39.14
	53.30	57.20	58.92
ESTIMATED TOTAL	\$ 432.80	\$ 457.50	\$ 469.76
	A Mark The Carte Control of th	and the second section of the section of t	
PHYSICAL EXAMINATION WITH STRESS TO	EST		
Include and 나를 보고 있다면 생각이 생각하는 생각을 하는 것이 없다.			
इतर पूर्व एक्टालिस वहार एका अधिक स्वीति वर्ग		1999	2000
History and Physical Examination		\$ 119.50	\$ 123.00
EHS Blood Profile		61.75	63.60
Lipid Profile (EHS/HDL/LDL/Chol)		38.35	39.50
Urinalysis	. Nacional National Services	24.05	32.81
Cardiac Package		227.05	347.47
HIV Heptatis B Screen	g Mg (tripe i la composition al l Composition de la composition de la co	39.00	39.14
inebrario bi ocupetta su 1960, u savo mondo de 7447° s	数がなり、天は乳臓の関連が利益を整めます。 -	57.20	58.92
ESTIMATED TOTAL	4	4 	
- OTAL		\$ 685.00	\$ 704.44
कर्ताकर करने कराई अवस्थानी जर्मका तेम के सुर्वाधिक रू			
PHYSICAL EXAMINATION WITH STRESS TE	<u>ST</u>		
		Problem and regular	
History and Physical Examination	1997	1999	2000
EHS Blood Profile		\$ 119.50	\$ 123.00
Lipid Profile (EHS/HDL/LDL/Chol)	57.85	61.75	63.60
Urinalysis Cardiao Dockson		(38,35)	(39.50)
Cardiac Package	29.25	31.85	32.81
HIV	317.20	337.35	347.47
Heptatis B Screen		39.00	39.14
	53.30	57.20	58.92
ESTIMATED TOTAL	\$ 612.20	\$ 646.65	\$ 664.96

Note: There are two class for physical examinations with cases tests. This occurs because there are two different locations in the hospital where the officers can receive their physical examinations. The charges vary depending on the location. The difference with the cost is that the Lipid Profile (EHS/HDL/LDL/Chol) is included with the Cardiac Package at the one location and not the other.

CTC/mf

Attachments



xecutive Health

Protecting your company's most valuable asset

248-551-0530

1999 CORPORATE PRICE LIST

History and Physical Examination	\$119.50 🗸
LABORATORY:	
Complete Blood Count	37.05
VDRL (Blood Serology)	23.40
EHS Blood Panel	61.75 /
HDL/LDL/Chol	38.35
Urinalysis	31.85 /
Hemoccult Blood Slides	20.80
PSA (Prostate Specific Antigen)	50.05
Pap Smear (Females)	29.25
Drug Screen (Urine)	35.75
Chest X-ray (2 views)	104.00
Resting EKG (12 lead)	109.85 🗸
Cardiac Package (Stress Test/exercise prescription)	337.35
Screening Mammogram	140.40
Flexible Sigmoidoscopy	33.30
Pulmonary Function test	40.30
Barium Enema X-ray (air contrast)	363.35
Upper Gastrointestinal X-ray	265.20

Prices subject to change



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REQUEST FOR WAIVER OF BIDS - TROY POLICE OFFICERS ASSOCIATION PHYSICAL EXAMINATIONS

C-7

Resolution #97-736 - C-7

WHEREAS, as a result of a 1988 Troy Police Officers Association/City of Troy arbitration ruling, physical fitness tests and pre-test physicals for City of Troy Police Officers are required every two years, with all costs being absorbed by the City; and

WHEREAS, a City/Union Joint Committee selected William Beaumont Executive Health Service to conduct the pre-test physicals; and

WHEREAS, an estimated 14 physicals without stress tests and 72 physicals with stress tests are required for Troy Police Officers, at a unit cost to the City of Troy of \$432.80 and \$612.20 respectively; and

WHEREAS, it is the determination of the City Manager and City Council of the City of Troy that no benefit would result for the City to solicit additional sealed bids;

NOW, THEREFORE, BE IT RESOLVED, that formal bidding procedures are hereby waived and a contract to provide physical fitness test, pre-test physical examinations of Troy Police Officers is hereby awarded to William Beaumont Executive Health Service at unit prices provided in a quotation dated August 8, 1997, a copy of which shall be attached to the original minutes of this meeting, for a total estimated total cost to the City of Troy of \$55,000.

JATOT CRYAMITER

TO:

The Honorable Mayor and City Council

GM BOOK 4

FROM:

James C. Bacon, Jr., City Manager 15
Jeanette Bennett, Director of Purchasing

Lawrence R. Carey, Chief of Police

SUBJECT: TPOA Physical Examinations - Waiver of Bids

IB (15 m) (17 OF TROY CITY MANAGES SOFFICE

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SINVISORIA.

INTRODUCTION

As a result of a 1988 TPOA/City arbitration ruling, a physical fitness test for police officers was established.

The terms of the award require that the test and pre-test physical be given every two years, with all costs absorbed by the City.

A City/Union Joint Committee, which was established through arbitration, has established the testing components of the physical fitness test and pre-test physicals. William Beaumont Executive Health Service was selected to conduct the pre-test physicals and the Training Section performs the physical fitness tests through the use of our computerized physical fitness testing equipment. Before we can conduct our 1998 fitness testing, we must again provide a health screen for our officers.

MEDICAL NEEDS - PHYSICAL BY AGE

According to committee conversations with medical doctor Barry Franklin of William Beaumont Hospital, a stress test physical is needed at least once every two years for those individuals over 40 years of age, once every three years for those 30 to 40 years of age and for those in their twenties, once every five years.

86 total physicals are estimated based upon current staffing, with an estimated 72 officers requiring a stress test.

PHYSICAL EXAMINATION WITHOUT STRESS TE	ST
History and Physical Examination \$	118.20
Resting Electrocardiogram	102.05
Biochemistry Blood Profile	57.85
HDL Cholesterol	35.75
HIV	36.40
Hepatitis B Screen	53.30
Urinalysis	29.25
大大 化共享产品的 医乳球 化二氯化二氯化二氯化二氯化二氯化二氯化二氯化二氯化二氯化二氯化二氯	

ESTIMATED TOTAL \$ 432.80

Page Two

PHYSICAL EXAMIN		STRESS TES	Ι		
History and Physica	I Examination	\$			
Stress Test		regandin ga	317.20		FACIN:
Biochemistry Blood	Profile	STICK OF PARKS	57.8) is a most	
HDL Cholesterol		eath of the total			
HV	a tha the tree are st		36.40) 9 *\	ATTENNES CENTER
Hepatitis B Screen					a table to the second
Urinalysis			29.2	<u>5</u>	

ESTIMATED TOTAL

\$ 612.20

HROBBATION

Estimated 72 Officers require stress physical @ \$612.20 each = \$44,078.00 Estimated 14 Officers require physical only @ \$432.80 each = \$ 6,059.20

Total = \$50,137.20

WAIVER OF BID REQUEST

The Police Department has budgeted for police officer physicals in the 1997-98 budget. The Department requests a waiver of bids for William Beaumont Hospital to conduct pre-test physicals for an estimated cost of \$55,000.00, since this facility has been selected by the City/Union committee established through arbitration, and since I feel that the negotiated price is fair for the services rendered.

LRC/lp

SECTION NEEDS - PRYSICAL DO NOT

years, with all cours absorbed by the City

Attachments

Administration of the convergence with medical declar target services of the convergence of the

\$3 total anystrate are as a cated based upon cument station, with an estimated \$2 officers required a attest tast.

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36					1												1			Ŵ.	
465 456	1000	200				45.	J . 190	 40.00	and the same			t was as	at dear								

August 13, 1997

TO:

Chief Lawrence R. Carey

FROM:

P.O. Colleen A. Mott

SUBJECT: Microfit Committee Results

The Microfit Committee (PO. Steele, PO Livingston, PO Crawford, Peggy Clifton, Earl Hamb) has agreed to continue to use Beaumont Executive Health Center for Physical Examinations and Stress Tests for Troy police officers as defined in General Order #40.

La De La Company

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If you have any questions, please contact me at ext. 3531.

Trade character is a restrict to the express in

Cc: Capt. Murphy Lt. Slater Sgt. Knapp

terille tengal

Beaumont

William Beaumont Hespital

Please deliver the following pages to:

Name: Linda Parsono/ Chief Carey

Company/Department: They PD

Fax Number: 524-9023

Instructions:

Revised prices for Officers
Do you have any idea when you want to start scheduling so we can black out the appropriate time!

Of lasks as y late marring hearly afternoon appte wice workheet - sk?)

Pleue let me know assp

From:

Name: Lynde Vasser

Dept:

Executive Health / InterHealth

Phone:

(248) 551-0530

(248) 551-0496

Fax Number:

(248) 551-8160

Number of pages (including cover letter):

Date: \$/28/57

يت ت ا

Royal Oak



fax: 689.6884

August 8, 1997

Officer Colleen Mott Troy Police Department 505W. Big Beaver Troy, Michigan 48084

Dear Colleen:

Per your request, the following page contains my quote for the Troy Police Department physical examinations - with and without a stress test. Please note that these prices will be in effect as of 9/1/97, and reflect a larger discount that previously given to our corporate clients.

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I am also sending a copy of our Account Information Sheet, which contains our guidelines for these exams. I would appreciate your reviewing these also to make sure we are in compliance with what you want included. Regarding the stress test frequencies, since our conversation the other day, I have also added that information regarding age and frequency to our Account Sheet.

Please feel free to contact me if there are any changes to be made in either the program or the prices and I will be happy to discuss them with you. I look forward, as always, to working with you and your fellow officers again this year.

Regards,

Lynda Hassan, Manager Executive Health Service - Revised -

1997 TROY POLICE DEPARTMENT PHYSICAL EXAMINATIONS

EXAMS WITHOUT STRESS TEST

History and Physical Examination	118.20	
Resting Electrocardiogram	102.05	The second second
Biochemistry Blood Profile	57.85	
HDL Cholesterol	35.75	
HIV	36.40	
Hepatitis B Screen	53.30	
Urinalysis	29.25	
	A40A 04	and the Salid Mark To
TOTAL;	\$432.80	
		THE MINISTER WAS A STATE

EXAMS WITH STRESS TEST

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Hist	ory and Physical	Examination	118.2	O Divinion	Andraideire
Stre	ss Test	ovig vlassivom)			àba dukw
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These prices will be effective 9/1/97, and reflect an increased "corporate discount"

The Mark Andrews of the Control of t

Ø9:23 WBH EXECUTIVE HEALTH → 246 524 9023 08/28/97

	ERVICE ACCOUNT IN JRMATION SHEET
OMPANY NAME They Police	
DDRESS: 500 JV. Bug A	Beaver
Juny Mi 4	48084
ONTACT PERSON/PHONE: Ofer. Co	llien mott 524-3531 FAX: 689-6384
ILLING ADDRESS (if different): Attention of:)	
check here if Company	EXAM RESULTS TO PATIENT ONLY!
equires copy of report AllEMION	CHAIN ACCOUNTS INVISION OF THE PROPERTY OF THE
UTHORIZED TESTS: ACH EXAM:	
History and Physical Examination	check here if exam is to be based on individual patient's needs
Complete Blood Count Biochemistry Blood Profile	
HDL Cholesterol Urinalysis	check here if exam is not to exceed a dollar amount
Glycolsylated Hemoglobin Occult Blood Slides	AMOUNT:
Additional Lab Tests:	
HIV HEP B SLREEN	
······································	FREQUENCY OF TESTS, IF OTHER THAN EACH EXAM
PSA (males over age)	
Pap Smear (females):	
Resting Electrocardiogram: JF NO 57	LESS TEST
Chest X-Ray:	
Pulmonary Function Screen:	
	O: EVERY 5 YRS OVER 40: EVERY 2 YRS
Cardiac Pkg (Stress Test): 30-39	; EVERY 3 YRS STERRED ETTER - TRU
Mammogram (females):	
Tonometry/Gross Vision (Glancoma Check):	
As Above, including Refraction:	
Consultations with Specialists, if indicated	An de deserte
Other Tests and Frequency or Indications:	ig Dereend being done elsewhere
If additional studies are recommended by examining	g physician, please check one:
Advise patient in summary letter to follow up	p with personal physician
Give nations observed and the rest relief	ing medical insurance SIBILITY TO KNOW ABOUT INDIVIDUAL COVERAGE)
Other:	
DATE: Per. 8/97	
DATE: KW. 17/	SIGNATURE:

. TO:

The Honorable Mayor and City Council

FROM:

John Szerlag, City Manager

Gary A. Shripka, Assistant City Manager/Services

Steven J. Vandette, City Engineer

SUBJECT:

Storm Drainage Study

Shady Creek North Site Condominiums

Project No. 01.922.3

RECOMMENDATION

Staff recommends that HRC complete a storm drainage study relative to the proposed Shady Creek North Site Condominium development per the General Engineering Services agreement (Resolution No. 98-114-C-17, March 2, 1998). In accordance with this agreement, and the attached proposal, the not-to-exceed fee for HRC would be \$20,200.00.

SUMMARY

Due to concerns relative to the existing drainage patterns in this area, staff requested that HRC submit a proposal to perform a review of this section as it pertains to drainage. The intent of this study is to determine existing conditions of the Houghten Drain tributary of the Fredericks Drain through the proposed Shady Creek North development and also what affect the proposed changes would have to the drainage area.

This is consistent with the Master Storm Drainage Plan Update where smaller areas, tributary to the larger collector storm drains, would be evaluated on an individual basis. The development lies along the Houghten Drain tributary to the Fredericks Drain.

FUNDING

Funds are available to complete this study in the 2001/2002 Engineering Services budget, account number 443.7816.020 and 444.7816.020.

PRINCIPALS
Gerald F. Knapp
Thornas E. Biehl
Walter H. Alix
George E. Hubbell
Peter T. Roth
Michael D. Waring
Keith D. McCormack
Curt A. Christeson



HUBBELL, ROTH & CLARK, INC.

CONSULTING ENGINEERS

CHIEF FINANCIAL OFFICER

I Bruce McFarland

ASSOCIATES
Frederick C. Navarre
Gary J. Tressel
Lawrence R. Ancypa
Kenneth A. Melchior
Dennis M. Monsere
Randal L. Ford
Timothy H. Sullivan
Thomas G. Maxwell
Nancy M.D. Faught
Jonathan E. Booth
Michael C. MacDonald
Marvin A. Olane
David P. Wilcox

June 21, 2001

RECEIVED BY
JUN 2 5 2001
ENGINEERING

City of Troy 500 W. Big Beaver Road Troy, MI 48084

Attn: Mr. Steve Vandette P.E., City Engineer

Re: Storm Drainage Study

Houghton Drain Tributary to Fredericks Drain

Section 10

Dear Mr. Vandette:

This proposal is written as requested, regarding the above referenced area, due to concerns of the Shady Creek Subdivision proposed expansion. It was decided that HRC would generate a hydrology/hydraulics study to determine existing conditions of the Houghton Drain Tributary of the Fredericks Drain through Shady Creek Subdivision and also what effect the proposed changes would have to the drainage area.

The tributary district is relatively small but it becomes more difficult due to the Shady Creek Storm Drainage System. Following is the proposed scope of work with estimated hours for each task. The ground water monitoring devices will be put in by Testing Engineers and Consultants, Inc. (TEC) as a subconsultant.

<u>Task</u>	Engineer	<u>Technician</u>
Review Shady Creek Subdivi Plan & Hydraulic Report.	sion 10	
2. Determine existing tributary of and prepare base map.	district 2	20
3. Develop a computer model to the 10 and 100-year storm fre and resulting flows.		20
4. Install ground water monitors record results on a monthly be for one year.		24

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City of Troy June 21, 2001 Page 2

5. Model proposed improvements developed by consultant for the Shady Creek Subdivision.	30	20
6. Prepare exhibits for study.		20
7. Prepare report.	20	10
Total Estimated Hours	112	114

It is proposed that this study will cost \$20,200.00, which includes \$2,500.00 for TEC to install the ground water monitors. Invoicing will be on a monthly basis based on payroll times a multiplier of 2.8 in accordance with our general engineering contract. We estimate it will take 60 days to complete this study based on timely response from the developer's consultant. The ground water monitoring will continue for one year.

Should you have any questions or require additional information, please call and we would be happy to meet with you to discuss the proposal.

Very truly yours,

Walter H. Alix P.E., P.S.

Walter H. alex

Vice President

cc: HRC: Mike MacDonald

file

WHA:jgm

STAFF MEETING NOTES FROM MAY 22, 2001 CONDUCTED BY JOHN SZERLAG, CITY MANAGER

RECAP OF LAST NIGHT'S MEETING

A-2 <u>Presentation: Troy Citizens Academy Graduation Ceremony</u>

Good job, Cindy, on the graduation ceremony and all your work on the Citizens Academy. Thanks to everyone who participated. Cindy will advise us of the dates for the late fall academy.

PUBLIC HEARINGS:

C-1 Approval of 2001-02 Budget

The budget was approved unanimously! Thanks to everyone involved in preparation of the budget.

CONSENT AGENDA:

All items on the Consent Agenda were approved.

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees

Submit resumes for all four (4) people. Department heads are responsible for notifying people that they are up for appointment.

F-3

Preliminary Plan Approval – Shady Creek North Site Condominium – North of Long Lake, West of Rochester Road – Section 10

Steve Vandette will talk to HRC about the cost of conducting a storm water study on the existing drainage conditions and proposed drainage changes related to development of the subdivision. Steve indicated that the grading and drainage plan for the new subdivision will be looked at closely to make sure adverse drainage effects do not occur. Steve will keep Bill Need and Dana Calhoun in the loop. Steve will request that MDEQ notify residents and hold a public hearing regarding the wetlands review.

F-8 Amendment to Chapter 20 of the City Code (Water and Sewer Rates)

Approved; breakdown of water and sewer rates was requested. See ASSIGNMENTS.

TABLED/CARRIED OVER ITEMS:

F-17 Alternative West Oak Subdivision Layout Involving "Street Diverter" Design

This item will return on June 4 with an indication that City management requests five (5) minutes to make a presentation. See ITEMS TO BE ADDED TO JUNE 4 AGENDA.



Memorandum

To: Mayor and City Council

From: John Szerlag

John M. Lamerato Tonni L. Bartholomew

Date: July 17, 2001

Subject: Proposed Amendment to Council Rules of Procedure

Council Member Schilling submitted the proposed Council Rules of Procedure amendment. If adopted, the proposed amendment should be numbered 24 and Item 24 should be renumbered to 25.

Attached is a redline copy of the proposed amendment.

The following motion would reflect the above change:

PROPOSED RESOLUTION

RESOLVED, That the Troy City Council Rules of Procedure, dated May 7, 2001, are hereby amended as proposed; with the insertion of a new Item Number 24, Agenda Items Submitted by Council Members, and Item Number 24, Violations, renumbered as Item Number 25.

FROM : LOUISE SCHILLING

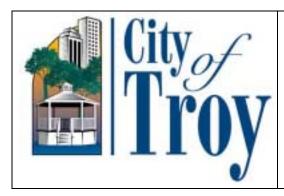
PHONE NO.: 248 8139746

Jul. 17 2001 03:55AM P1

-Torre 5,

Councilwoman Louise E. Schilling submitted the following item and requested City Council Rules of Procedure as revised as of May 7, 2001 be placed on the agenda for a vote. The matter was submitted Tuesday, July 17,2001.

Mayor and Council Members submitting an item for a vote shall send the item to the City Manager in a timely manner in writing. Staff professional opinion will be written to accompany the item for discussion and a vote on the matter. Presentations at the Council table shall be limited to 5 minutes. Items requiring more input shall be considered for a Study Session on the 4th Monday of the month as provided in our Rules and Procedures.



RULES OF PROCEDURE FOR THE CITY COUNCIL CITY OF TROY, MICHIGAN

Revised as of May 7, 2001

1. APPOINTMENT OF MAYOR PRO TEM

The selection of Mayor Pro Tem shall proceed in a linear fashion based on seat rotation in the following order: Kaszubski, Schilling, Howrylak, Pallotta, Lambert, Beltramini.

2. DESIGNATION OF ACTING MAYOR

In the absence or disability of the Mayor and the Mayor Pro Tem, the Council Member present who has served longest shall be designated Acting Mayor and shall perform the duties of the Mayor.

3. REGULAR MEETINGS

Regular meetings shall be held in the Council Chambers at 7:30 P.M on the first and third Monday each month, except for holidays or holiday-eves recognized by the City of Troy, regular or special election days, except school district elections, or unless canceled by resolution of the Council.

4. AGENDA

A printed agenda for each regularly scheduled meeting shall be produced at least forty-eight (48) hours in advance of the meeting. Every item of business to come before the Council shall be filed with the City Clerk by noon on the Wednesday preceding the Monday on which the Council meets. It shall be the duty of the City Clerk to have delivered, as soon as practical, to each member of the Council a complete agenda of the items to be considered at the following meeting. Each item on the agenda shall have sufficient explanation to indicate its intent. All questions introduced that do not appear on the agenda may be postponed and referred for study and recommendation upon the request of any one Council Member, except that by a majority vote of the Council Members, said matter may be acted upon at that time. Two packets excluding all confidential items will be made available for public inspection at the Troy Public Library and Troy Community Center on Saturday at the scheduled opening time. A packet, excluding all confidential items and once the technology is available, will be posted on the City's Website at least 48 hours prior to Council meetings.

5. ORDER OF BUSINESS

At each regular meeting of the Council, the business to be considered shall be taken up for consideration and disposition in the following order.

- 1. Call to Order
- 2. Invocation
- 3. Pledge of Allegiance
- 4. Roll Call
- 5. Approval of Minutes
- 6. Certificates of Appreciation
- 7. Carryover Items
- 8. Public Hearings
- 9. Postponed Items
- 10. Visitor Comments
- 11. Consent Agenda
- 12. Regular Business
- 13. Council Comments
- Council Referrals
- 15. Reports and Communications Include Citizen Referrals and Requested Actions
- 16. Visitors Limited to people who have not addressed Council during the 1st Visitors Comments
- 17. Adjournment

6. REGULAR BUSINESS

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair (during the public comment portion of the agenda item's discussion). Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt members of the public during their comments. For those addressing City Council, petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council and all other interested people, their time may be limited to not more than twice nor longer than five (5) minutes on any question, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 7, 2001. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair. Persons interested in addressing City Council on items, which are not on the printed Agenda, may do so under the last item of the Regular Business (F) Section.

7. STUDY SESSIONS

The fourth (4th) Monday of each month is reserved for Study Sessions when scheduled at least ten (10) days in advance of the meeting.

8. CABLE CASTING OF CITY COUNCIL MEETINGS

All City Council Meetings will be broadcast on WTRY, with the exception of Closed meetings of City Council.

9. MINUTES

The minutes will be distributed to the Council prior to their approval.

10. PROCLAMATIONS

Proclamations shall be included in the agenda under Reports and Communications and may be brought before Council for consideration by any member.

11. RECONSIDERATION OF QUESTIONS

Reconsideration or Rescinding any vote of the Council shall require the affirmative vote of the majority of the Council Members.

12. PUBLIC HEARING

Public Hearings will be held after required notice has been provided. Notices shall inform recipients of possible continuations of hearings. The City Council may upon affirmative vote of a majority of its members "continue" said hearing at a future date designated in the resolution. If the City Council elects to continue the Public Hearing it will appear in the designated meeting Agenda under the topic of "Public Hearings". Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council.

13. CONSENT AGENDA

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member or member of the audience may ask a question regarding an item as well as speak in opposition to the recommended action by removing an item from the Consent Agenda and have it considered as a separate item. A member of the audience who wishes to speak may do so upon recognition of the Chair in accordance with the Rules of Procedure of the City Council, Article 15I. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard.

14. APPOINTMENTS

A. Appointments to Boards, Commissions and Committees:

The Mayor shall, with City Council concurrence, appoint members of Boards or Committees as governed by State Statute or local ordinances.

The Mayor Pro Tem will contact incumbents to determine their interest in being nominated for reappointment.

The Mayor or any Council Member desiring to nominate a person for appointment to a Board, Commission, or Committee shall submit such name, along with a brief summary of background and personal data as to nominee's qualifications, except that such a resume shall not be required for the re-nomination of a current member, or if the Council unanimously agrees that a resume is not necessary. Resumes will be submitted on or before the time of voting.

Nominations will occur during any regular meeting of the Council. A resolution to nominate will be considered during the "Regular Business" of the agenda. All nominations are subject to Section "B" which appears below.

Nominations will occur during any Regular meeting of the Council. A resolution to nominate will be considered during "Regular Business" of the agenda. A resolution to appoint may be considered at the same time, if there is no objection from a member of Council.

- B. Method of Voting on Nominees.
 - 1. Where the number of nominees does not exceed the number of positions to be filled, a roll call vote shall be used.
 - Where the number of nominations exceeds the number of positions to be filled, voting shall take place by the City Clerk calling the roll of the Council and each Council Member is to indicate the names of the individuals he/she wishes to fill the vacancies
 - 3. When no candidate receives a majority vote, the candidate(s) with the least number of votes shall be eliminated from the ensuing ballot.
 - 4. No member of the City Council shall serve on any committee, commission or board of the City of Troy, except the Retirement System Board of Trustees, unless membership is required by Statute or the City Charter.
 - 5. Persons nominated, but not appointed during this process will be sent a letter thanking them for their willingness to serve the community.

6. Recognition will be given to persons who have concluded their service to the community on Boards and Commissions.

15. VISITORS

Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. Any such matter may be deferred to another time or referred for study and recommendation upon the request of any one Council Member except that by a majority vote of the Council Members, said matter may be acted upon immediately. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members.

16. POSTPONE

A motion to postpone may be made for a definite period of time. Items will automatically appear on the appropriate agenda.

17. RULES OF ORDER

Robert's Rules of Order, 1990 Edition, as clarified by the City Clerk, is hereby adopted and made a part hereof, except as modified by these Rules of Procedure, the Charter, and the City Code.

18. MISCELLANEOUS EXPENSES

Reasonable and necessary expenses incurred in service on behalf of the City shall be paid the Mayor and Council, provided that at the end of each month a detailed expense report is submitted and approved by the City Council.

19. EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS

A. Funds providing for Council representation at State and National conferences, sponsored by affiliations of cities, will be annually approved in the budget for the subject fiscal year. The City Council will by advance resolution grant authorization for out of town travel to specific places, for conference purposes. Members of the City Council will submit expense vouchers exceeding \$50 per day to attend out-of-town meetings and conferences, with additional allowances being made for transportation (paid at the air coach rate or gas mileage at current IRS guidelines, depending upon the mode of transportation) and lodging. The City Council will by advance resolution grant authorization for out-of-town travel to specific places, for conference purposes. Expenses may be authorized for payment by the City Manager, and a copy of the expense report form will be placed on the Council

agenda under Reports and Communications.

B. Detailed and receipted expenses, not to exceed \$150, to attend legislative committee hearings, legislative meetings, etc., may be authorized for payment by the City Manager without prior authorization by the Council, and a copy of the expense report form, along with receipts, will be placed on the Council agenda under Reports and Communications.

20. ABSENCES AT COUNCIL MEETINGS

In the event of an absence of a Council Member at a meeting, the City Manager is directed to supply such absent Council Member with information about any special meetings that may have been scheduled.

21. SUSPEND RULES

The Rules of Procedure may be waived by unanimous consent.

22. CONTINUED AGENDA ITEMS NOT CONSIDERED BEFORE 11:00 PM

Any item on the Council agenda that has not been discussed by 11:00 p.m. shall be continued to the next regular meeting as a Carryover Item, unless City Council takes action to the contrary.

23. COUNCIL DISCUSSION

No member of Council shall speak a second time, nor for more than five minutes, on an item under discussion, until all other members wishing to speak on that item have been heard.

24. Agenda Items Submitted by Council Members

Mayor and Council Members submitting an item for a vote shall send the item to the City Manager in a timely manner in writing. Staff professional opinion will be written to accompany the item for discussion and a vote on the matter. Presentations at the Council table shall be limited to 5 minutes. Items requiring more input shall be considered for a Study Session on the 4th Monday of the month as provided in our Rules and Procedures.

24.25. VIOLATIONS

The City Clerk shall be responsible for reporting violations of time limitations or speaking sequence to the Chair.

July 16, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

Gary Shripka, Assistant City Manager/Services

Mark F. Miller, Interim Planning Director

SUBJECT: SITE PLAN REVIEW - Proposed Troy Pines II Site Condominium - East

side of John R Road, South of Long Lake Road - Section 13

A Site Plan has been submitted for a proposed Single-Family Residential Site Condominium known as Troy Pines II, involving a 6.6-acre R-1C zoned assembly of properties on the east side of John R, south of Long Lake Road. The subject site abuts the north edge of the original Troy Pines Site Condominium, within which homes are presently under construction. The Larson Middle School Site abuts to the east. A portion of the flood plain for the Gibson County Drain crosses the northeast corner of the site.

The petitioners in this matter, Premium Construction, have submitted several different plans since their original submittal. This evolution resulted from a combination of staff direction to conform with Ordinance requirements, and the petitioners desire to maximize the lot count. The layout preferred by staff involved the northerly extension of Douglas Fir Drive from the Troy Pines Site Condominium to the south, along with a street extending into the John R. Road frontage and ending in a "blind cul-de-sac." Planning Department's request for revisions of that plan in order to conform with Ordinance requirements resulted in the submittal of an additional alternative plan. The final alternative, along with the previously proposed plan preferred by staff was submitted to the Planning Commission. At that time the petitioners indicated that the economics of land acquisition and the limited number of lots would not enable them to include the John R Road frontage portion of the site in their present development. The Planning Commission first was presented the Preliminary Site Plan on June 12, 2001 and tabled the matter to their June 26, 2001 meeting. At the second meeting, the Planning Commission recommended to City Council, the approval of the proposed site condominium. Finally, both the Planning Department staff and the Planning Commission required the plan include a construction access easement to John R. Road, which is now included on the developer's plan that is being presented to City Council.

Wetlands review and delineation was conducted by C.R. Consulting for the petitioner. This report indicates a very small wetland that barely encroaches into at the northeast corner of the subject properties. This delineation was confirmed by J & L Consulting Services, the City's environmental consultant. The MDEQ has the final authority in delineating and issuing wetlands permit.

The Planning Commission recommended approval of the petitioner's site plan, with the provision of a construction access easement to John R Road. City Management concurs with the Planning Commission and recommends approval of the site plan, which includes the construction access.

Enclosures

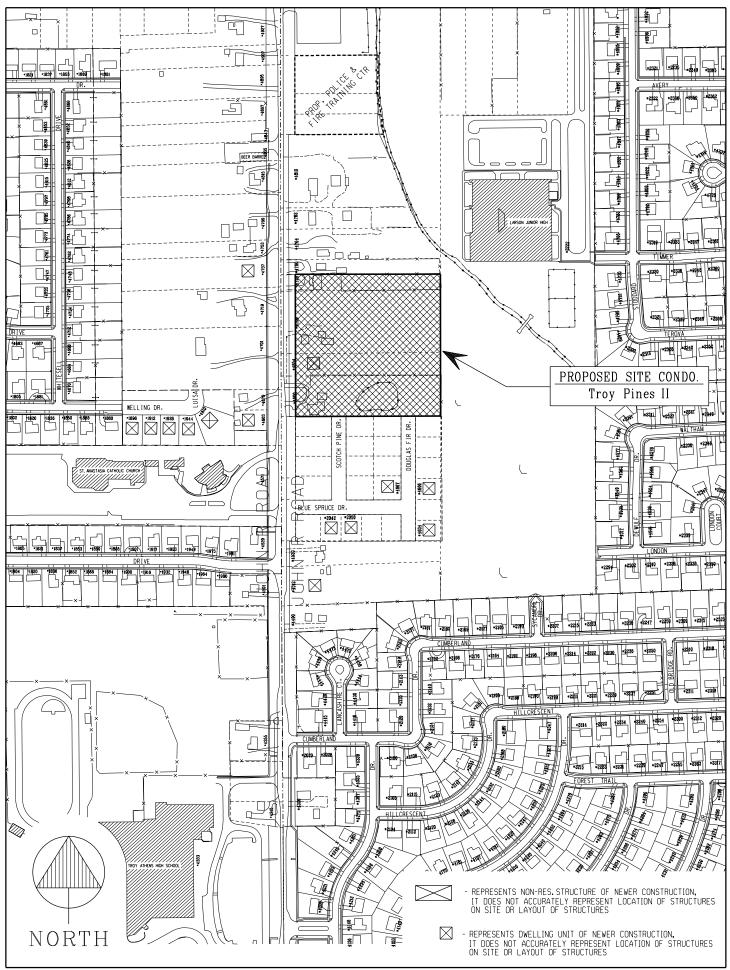
Cc: Mark Stimac, Director of Building and Zoning

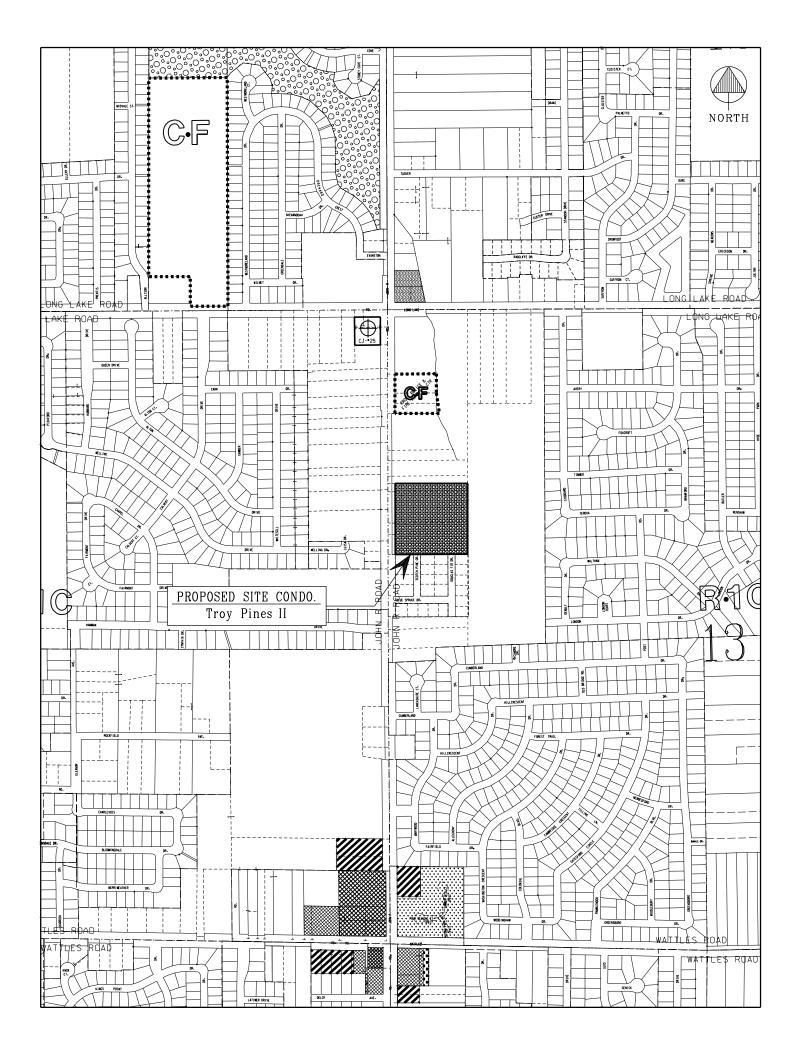
Tracy Slintak, Environmental Specialist

Steve Vandette, City Engineer

File/Troy Pines II

MFM





6. <u>SITE PLAN REVIEW</u> – Proposed Troy Pines II, Site Condominium – East side of John R, South of Long Lake Road – Section 13

Mr. Miller explained that a Site Plan has been submitted for a proposed Single Family Residential Site Condominium known as Troy Pines II, potentially involving a 6.6-acre R-1C zoned assembly of properties on the east side of John R Road south of Long Lake Road. The subject site abuts the north edge of the original Troy Pines Site Condominium, within which homes are presently under construction. The Larson Middle School abuts to the east. A portion of the flood plain for the Gibson County Drain crosses the northeast corner of the site. The petitioners in this matter, Premium Construction, have submitted several different site plans since their original submittal. This plan evolution resulted from a combination of staff direction to conform with Ordinance Requirements, and the petitioner's desire to maximize the lot count. Of the layouts submitted by the petitioners, staff preferred one involving the northerly extension of Douglas Fir Drive from the Troy Pines Site Condominium to the south, along with a street extending into the John R Road frontage and ending in a blind cul-de-sac. Their request for revisions of that plan in order to conform with Ordinance Requirements resulted in the submittal of additional alternative plans which no longer included the John R Road frontage. The petitioners indicated that the economics of land acquisition, and the limited number of lots, would not enable them to include that frontage portion of the site in their development. Staff's direction was that, if the John R Road frontage is not included, the plan as ultimately presented should provide for future development within that frontage consistent with the previously proposed blind cul-de-sac layout. Also, in order to enable the most reasonable development within the excepted John R Road frontage, the westerly extent of the presently proposed development should be reduced in order to assure the potential availability of four home sites within that frontage exception. The petitioners have indicated that they cannot alter the property dimensions to accomplish the blind cul-de-sac on the John R Road frontage and therefore that the staff's preferred layout cannot be accomplished. The most recent plan submitted involves a street which ends at the east edge of the John R Road frontage exception. If, as the petitioners now indicate, they no longer control the John R Road, exception, the staff must reluctantly support the street configuration most recently presented. This Plan properly indicates the provision of a 12-foot wide public walkway right-of-way extending east to the Larson Middle School. Staff has also indicated to the petitioners that construction access to this development must be directly from John R Road, rather than across existing adjacent local streets. Finally, Mr. Miller indicated that the Environmental Reports submitted by the petitioners and by the City's Consultant are generally consistent, and did not impact the proposed development.

In response to Mr. Waller's questions, Mr. Miller stated that construction access is not controlled by Ordinance, but it was his understanding that such a requirement is contained in the City's development standards. In response to another question, Mr. Miller and Ms. Bluhm indicated that the City maintains public walkways to park and school sites.

John Pavone and Mukesh Mangla, the petitioners, were present. Mr. Pavone indicated that a blind cul-de-sac could be provided in the future but that it would only serve two lots within the John R Road frontage. Since that frontage was sold to others, he has not been able to secure construction access rights. He then commented on some of the other plans which they had prepared, including a plan involving an independent cul-de-sac on the site to the north, thus not requiring a stub-street extension to that property. In response to Mr. Kramer's questions, Mr. Pavone indicated that they had also prepared a plan involving a cul-de-sac ending within their present ownership area. Mr. Miller commented, that that particular plan involved undesirable lot depths. Mr. Storrs expressed concern about the potential extension of Scotch

Pine Drive, the existing street nearest to John R Road. Mr. Pavone indicated that extension of that street into the parcel abutting the southwest portion of their property could enable a 3-lot cul-de-sac. Mr. Reece felt that action should be tabled on this matter in order to further consider the relationship between the proposed development and the potential future development on adjacent properties. Mr. Waller asked whether layouts on adjacent properties could be required. Ms. Bluhm stated that requesting such layouts would be reasonable.

Moved by Waller

Seconded by Chamberlain

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Troy Pines II, on the east side of John R Road south of Long Lake Road, be approved.

Mr. Storrs noted that the owners of the John R Road frontage abutting the northerly portion of the site have chosen the property configuration that has resulted, so they should not object to development limitations in the future. Mr. Littman agreed with the potential tabling of action this matter in order to review the overall potential plan for the area.

Moved by Kramer

Seconded by Reece

RESOLVED, that action on the Preliminary Plan for the proposed Troy Pines II Site Condominium, on the east side of John R Road south of Long Lake Road, be tabled until the June 26th Study Meeting, in order to further consider the best future development plans for the total area.

Yeas: Pennington

Periningion

Storrs Wright

Kramer Reece Littman Nays: Starr Waller

Chamberlain

MOTION CARRIED

Mr. Starr, Mr. Waller and Mr. Chamberlain indicated their position that action could proceed on this matter. Mr. Waller felt that a requirement for the provision of plans for excepted parcels should be applied consistently, rather than on an irregular basis.

C. R. CONSULTING

P.O. BOX 190241 BURTON, MICHIGAN 48519 PHONE/FAX (&10) 742-6365

June 8, 2001

Mr. John Pavone Mr. Mukesh Mangla Premium Construction, L.L.C. 1052 Oaktree Bloomfield Hills, Michigan 48304 REC'D

JUN 1 1 2001

PLANNING DEPT.

Re: Preliminary Wetland Review, Five Acres on John Road

Dear Mr. Pavone and Mr. Mangla:

On June 7, 2001, staff from CR Consulting conducted a preliminary wetland review to determine if areas considered to be state regulated wetlands exist on the property referenced above. The property, estimated to be five acres in size, is located on the east side of John R Road, within the west half of the west half of the northwest quarter of Section 13, T2N-R11E, Oakland County. The northernmost four acres of the review is at 4706 John R Road (Parcel ID 20-13-100-007) with the remaining parcels consisting of the easternmost third of two parcels to the immediate south (Parcel ID 20-23-200-034 and parcel ID 20-13-100-040).

To be regulated in Oakland County, a wetland must exceed five acres in size or, regardless of size, must be contiguous to a substantial body of water. To be contiguous, a wetland must be within five hundred feet of the ordinary high water elevation of the body of water or, no matter how far away the wetland is from the body of water, the wetland must possess a surface water connection to the body of water.

The vast majority of the land at 4706 John R Road contains an old orchard consisting of apple, peach and cherry trees. Areas currently not supporting these upland agricultural trees includes old field vegetation such as hawkweeds, Queen Anne's lace, dandelion grasses, hop clover, white clover and red clover. These plant species are associated with dryer environments and are not associated with wetland conditions.

A low area containing hydrophytic vegetation and exhibiting saturation of soils at the surface, was found along the common property line of Parcel 20-13-100-034 and Parcel 20-13-100-040. This area is confined to the limits of a depression in the topography and is less than one eighth acre in size.

Mr. John Pavone
Mr. Mukesh Mangla
Premium Construction, L.L.C.
Re: Preliminary Wetland Review,
Five Acres on John R. Road
June 8, 2001
Page 2

The nearest distance between this very small wet area and the Gibson Drain off site to the northeast was estimated, from aerial photography, to be five hundred and thirty feet. Immediately adjacent to the south of this very small wet area, is a rise in elevation.

Raw soils exist further to the south. A pond evidently had been dredged by the previous land owner several years ago and then was recently filled. Estimates of the nearest distance of this pond from the Gibson Drain, as shown on aerial photography prior to filling, is five hundred and seventy feet.

There was no visible evidence that water flows over land between either of these wet areas and the drain. There is visibly a is a rise in elevation surrounding these two wet areas. A review of the Soil Survey of Oakland County also does not depict a drainage of water from these wetlands to the drain.

It is of our opinion that these areas do not meet the definition to be state regulated, however, ultimate authority over jurisdictional wetlands rests with the Michigan Department of Environmental Quality (MDEQ). If you wish for our opinion to be confirmed for acceptability by this agency, please feel free to contact me about this service.

Sincerely:

CR CONSULTING

Cindy Holzer

Wetlands Specialist

J & L CONSULTING SERVICES



- Environmental Assessments
- Mitigation Plans and Permits
- Site Evaluation and Analyses
- Wetlands Mapping



JUN 1 1 2001

PLANNING DEPT.

7 June 2001

RECEIVED

JUN 8 2001

ENGINEERING

Ms. Tracy Slintak
Engineering Department
City of Troy
500 W. Big Beaver
Troy, MI 48084

Re: Wetland Delineation, Troy Pines II, NW 1/4 of Section 13, City of Troy

Dear Ms. Slintak:

Enclosed please find the Preliminary Wetlands Map regarding the 8.597-acre properties located east of John R. Road in the northwest part of Section 13. The undersigned and his field assistant investigated these properties for wetlands on 5-30-01. One wetland near the Gibson Drain was delineated on site. Also, a small pond, about 0.29 acres in size, was identified on site. This pond, however, does not appear to be regulated.

This wetland report was conducted in accordance with the regulations contained in <u>Part 303 – Wetland Protection</u> of P.A. 451 of 1994 as amended, i.e., the <u>Natural Resources and Environmental Protection Act</u>, Statutes of the State of Michigan.

Findings:

1. Wetlands on Site

As shown on the enclosed drawing, one wetland at the northeast corner of the subject properties was delineated. Pink ribbon marked "Wetland Delineation" was utilized to demarcate this wetland which just nips the northeast corner of the properties near the Gibson Drain.

In addition, a small 0.29-acre pond is present in the southern portion of the properties. However, this pond, including its wetland extent, which totals about 0.38 acres, appears not to be regulated by the Michigan DEQ per wetlands or inland lakes & streams regulations.

2. Wetland Regulation

The wetland flagged along the Gibson Drain is regulated by the Michigan DEQ pursuant to Part 303 of P.A. 451 of 1994 as amended. This shrubby wetland is contiguous to the Gibson Drain, and all contiguous wetlands are regulated by the Michigan DEQ per Part 303 of P.A. 451.

3. Wetland Description

The wetland along the drain is a mixed shrub and forested wetland. When the Gibson Drain was cleaned out and widened years ago, some of the wetland vegetation was destroyed. At present, the wetland vegetation is discontinuous. However, at the northeast corner of the property, there is a shrub wetland that contains some Box Elder and Silver Maple trees, along with a dense understory of Willow shrubs, Giant Reed Cane, Reed Canary Grass, and Wild Grape. Some Multi-Flora Rose is also present along the flagged wetland boundary.

Use of the Property

It is important that the developer have the flagged wetland boundary surveyed for greater accuracy. Furthermore, the stormwater detention basin, which is being proposed for this corner of the property, must not be located in the delineated wetlands, nor in the 100-year floodplain. Since there is space on site, i.e., outside the wetlands and beyond the 100-year floodplain limit, the site plan should be adjusted accordingly.

Since the discharge from the proposed stormwater detention basin is to a county-designated drain, the Drain Office of Oakland County will have to review the stormwater detention portion of the site plans for Troy Pines II.

If you have any questions concerning this wetland review, please contact my office at 734/572-1630.

Sincerely,

Eugene Jaworski, PhD

Principal

Enclosure: Preliminary Wetlands Map (on Site Plan Drawing), for planning purposes Only.

JOSEPH J. WRIGHT, PLLC

ATTORNEY AND COUNSELOR AT LAW 29777 TELEGRAPH ROAD, SUITE 2500 SOUTHFIELD, MICHIGAN 48034 (248) 827-3834

FAX (248) 827-3837

REC'D

JUN 26 2001

June 25, 2001

PLANNING DEPT.

VIA FACSIMILE/FEDERAL EXPRESS - 248/524-3364

City of Troy Planning Department 500 W. Big Beaver Rd. Troy, Michigan 48084

Attention: Planning Commission

Re:

6/26/01 Planning Commission Meeting

Troy Pines II Development Proposal

(Premium Construction LLC - John Pavone and Mukesh Mangla)

Dear Sir/Madam:

Please allow this correspondence to confirm my meeting this morning with Planner Ronald Figlan and memorialize my position with regard to the proposed development referenced above. Unfortunately, I will be out of town on business Tuesday, and will not be able to attend the 6/26/01 Planning Commission meeting. That being the case, I would ask that a copy of this correspondence be circulated to the members of the Commission in advance of Tuesday's meeting.

By way of background, I reside at 2058 Blue Spruce Drive in the Troy Pines subdivision, a site condominium community developed by Cherry Creek Builders. It has come to my attention that Premium Construction LLC, by its members, John Pavone and Mukesh Mangla, propose construction of Troy Pines II, a site condominium development that would adjoin Troy Pines by connecting with the northern "stub" of Douglas Fir Drive. I further understand that Premium Construction plans, at least at this point, to utilize Blue Spruce Drive as the entrance and primary access road to the Troy Pines II development. Finally, it is my understanding that Premium intends to utilize Blue Spruce Drive and Douglas Fir Drive as its construction access to the proposed site. Presumably, Premium will argue that it is compelled (by "hardship") to use Blue Spruce/Douglas Fir for these purposes because it has no other means of gaining access to its proposed site.

While I would emphasize that I have no conceptual objection to the residential development of the site under consideration, I strongly object to Premium's proposed use of the

Troy Pines neighborhood to accomplish its objectives. In evaluating Premium Construction's site plan and the proposed development of Troy Pines II, I would urge the commission to consider the following points:

Planning Commission's proposal that Premium obtain a construction easement to gain access to and from Troy Pines II during all phases of construction. I understand, based on a review of the site plan and my conversations with Ron Figlan, that the construction easement envisioned by the Planning Department would be placed near the center of Parcel #13-100-007, affording Premium Construction unencumbered access to the proposed development from John R Road. (Parcel #13-100-007 affords 260 feet of frontage on John R Road and directly abuts the proposed site of Troy Pines II).

Premium Construction should not be heard to argue that it is either incapable of obtaining the easement suggested by the Commission, or that requiring them to obtain such an easement before construction begins would create an unreasonable "hardship," economic or otherwise. Indeed, following my conversations with Planner Figlan this morning, I met with the City Assessor's Office and was informed that Parcel #13-100-007 is in fact owned by Premium Construction. That being the case, there is absolutely no credible argument to be made that Premium Construction should be allowed to use the streets of Troy Pines, rather than utilize *its own property* to gain construction access to its own development.

At present, the development of Troy Pines is approximately 50% complete. A number of the families that presently reside in the community, such as my own, have young children that are, for obvious reasons, restricted from some outdoor activities as a consequence of ongoing construction. Any proposal by Premium Construction that they be allowed to compound the obvious safety risks attendant to increased construction traffic in a residential community should be rejected by the Commission. In light of Premium's ownership of property (Parcel #13-100-007), which would afford unencumbered access to Troy Pines II from John R, there is simply no reason why the Commission should entertain allowing increased construction traffic in Troy Pines at any point during the development of Troy Pines II.

2. <u>Blue Spruce Drive Entranceway</u>: The second aspect of Premium Construction's development plan that I take exception to relates to the proposed shared use of Blue Spruce Drive by the residents of Troy Pines and Troy Pines II. Under Premium Construction's present site plan, residents of both of these communities would be compelled to use Blue Spruce Drive as the exclusive means of gaining access to or egress from either development. I object to this aspect of Premium Construction's development plan for the following reasons:

a. Increased Traffic Within Troy Pines -

Blue Spruce Drive is situated directly across the street from St. Anastasia Catholic Church, and adjacent to Troy Athens High School. At most times during the day, the traffic on John R Road in the vicinity of Blue Spruce Drive is extremely heavy. Compelling the residents of Troy Pines and Troy Pines II to share this sole means of access into the neighborhood compounds the potential hazards of a busy intersection and, in my opinion, is largely unnecessary in light of Premium Construction's ownership of property upon which a separate access road into Troy Pines II could be efficiently and economically constructed.

Additionally, the Troy Pines II development will double the amount of traffic within Troy Pines and focus that traffic on Blue Spruce Drive. In my estimation, this creates an increased hazard to the residents of Troy Pines by simply doubling the foreseeable amount of traffic within the neighborhood at any point in time. As there are many young children in the community, be assured that I take this issue very seriously.

b. Ownership of the Blue Spruce Entrance -

As mentioned, Troy Pines was developed as a site condominium. Accordingly, the residents of Troy Pines were compelled at the time of their purchase to finance the initial construction of the improvements to the entranceway along John R Road. (Each homeowner in Troy Pines expended something in the order of \$600 per household to initially finance the improvements which include landscaping, irrigation and lighting). Moreover, each of the residents of Troy Pines is compelled, by association bylaws, to expend something in the order of \$200 on an annual basis to finance the maintenance of those improvements.

I find it unacceptable that the residents of Troy Pines would, under Premium Construction's proposed development plan, be put in a position of financing the entranceway which may ultimately be used by the residents of Troy Pines II, who have neither contributed to the construction or maintenance of these improvements.

3. A Separate Entrance for Troy Pines II: As mentioned previously, the developers of Troy Pines II presently own a parcel of land abutting both John R Road and their proposed development. This parcel (#13-100-007) possesses more than sufficient frontage (260 feet along John R) to allow for the incorporation of a separate entrance into Troy Pines II, without unduly burdening the developers. Doing so would accomplish a number of useful objectives which would be

mutually beneficial to not only Troy Pines and Troy Pines II, but the immediate surrounding community:

- i. At present, school bus services pick-up and drop-off children on John R Road directly in front of the Blue Spruce entranceway. I am given to understand that the reason buses do not pick-up/drop-off within the Troy Pines subdivision is because of the difficulty in turning school buses around within the confines of the neighborhood. The incorporation of a separate access road into the Troy Pines II development would allow school buses, city vehicles and emergency vehicles a much smoother and more direct means of gaining access to or egress from the subdivisions, as both entrances would be connected by Douglas Fir Drive under Premium Construction's current proposal;
- ii. Positioning a separate entrance within/across Parcel #13-100-007 would alleviate unnecessary congestion at the Blue Spruce entrance by diverting at least a portion of neighborhood traffic to a point sufficiently north of the St. Anastasia and Athens High School entrances;
- iii. Troy Pines II, like Troy Pines, is being developed as a site condominium of equivalent size and an equivalent number of households. As such, the residents of Troy Pines II, like those of Troy Pines, could certainly be called upon to finance the construction and maintenance of improvements to a separate entranceway in keeping with those improvements made at Blue Spruce Drive. The requirement of a separate entranceway into Troy Pines II, would benefit the City by creating a more consistent aesthetic along John R Road, in keeping with the Troy Pines community.

Upon information and belief, Premium Construction plans on utilizing Parcel #13-100-007 for the development of four single-family residences fronting John R, each with separate and/or "ganged" driveways. This use of the parcel needlessly land-locks residents of Troy Pines II and creates an aesthetically inconsistent frontage along John R.

Premium Construction LLC owns sufficient land to allow it to develop Troy Pines II in a manner which both compliments Troy Pines and better allows City services to function. For whatever reason, presumably pecuniary, Premium Construction would like this Commission to believe that its proposed development is land-locked, and for that reason should be allowed to avail itself of the City's streets (Blue Spruce and Douglas Fir) to accomplish its development objectives.

A trip to the Assessor's Office reveals that if Troy Pines II is land-locked, it is so because of Premium Construction's business decision to develop Parcel #13-100-007 (which it owns) in a manner entirely different than the way it proposes to develop Troy Pines II.

It is my position that if Troy Pines II is allowed to go forward, it should be compelled by this Commission to furnish not only its own construction access across Parcel #13-100-007, but also provide for a permanent entrance road into the development consistent with the suggestions outlined herein. Thank you for your courtesy and cooperation in allowing me this opportunity to express my concerns regarding the Troy Pines II development proposal.

Very truly yours,

Joseph J. Wright

JJW:lr

cc: Mr. John Channel



UNPLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Preliminary Plan Approval

A sign is placed on the property informing the public of the proposed development.

Adjacent property owners are notified by mail

Public meeting held by **Planning Commission** for review and recommendation to City Council **City Council** reviews and approvals plan

The following items are addressed at Preliminary Plan Approval:

- Street Pattern, including potential stub streets for future development
- Potential development pattern for adjacent properties
- Fully dimensioned residential parcel layout, including proposed building configurations
 - Number of lots
 - Building setbacks
 - o Lot dimensions
 - Locations of easements
- Preliminary sanitary sewer, storm sewer, and water main layout
- Environmental Impact Statement (if required)
- Location(s) of wetlands on the property

Final Plan Approval

Notice sign is posted on site

City Council review and approval of:

- Final Plan
- Contract for Installation of Municipal Improvements (Private Agreement)

The following items are addressed at Final Plan Approval:

- Fully dimensioned plans of the total property proposed for development, prepared by registered Civil Engineer or Land Surveyor
- Corners of all proposed residential parcels and other points as necessary to determine that the potential parcels and building configurations will conform with ordinance requirements
- Warranty Deeds and Easement documents, in recordable form for all ROW. and easements which are to be conveyed to the public
- Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards:
 - Sanitary and Storm sewer
 - Water mains
 - o Detention / Retention basins
 - o Grading and rear yard drainage
 - Paving and widening lanes
 - Sidewalk and driveway approaches
- Approval from other government agencies involved with the development
- Verification of wetlands and M.D.E.Q. permit if necessary
- Financial guarantees to insure the construction of required improvements and the
 placement of proper property and parcel monuments and markers shall be furnished
 by the petitioner prior to submittal of the Final Plan to the City Council for review and
 approval
- Floor Plans and Elevations of the proposed residential units

DATE: July 16, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager

Gary A. Shripka, Assistant City Manager/Services Mark Stimac, Director of Building and Zoning

SUBJECT: Proposed Change to Chapter 79 of the City Code

Relating to Adoption of the State Building Code

RECOMMENDATION

Staff recommends that City Council adopt revisions to Chapter 79 of the Troy City Code in accordance with the attached proposal. Staff also Recommends that City Council adopt by resolution the Building Permit Fee Schedule formerly contained within Chapter 79 of the Troy City Code.

BACKGROUND

Public Act 245 of 1999 is the State Law that establishes uniform building codes throughout the State of Michigan. The Michigan Electrical Code has been enforced by the City of Troy since its adoption by the State in the spring of 2000. On July 31, 2001 the State of Michigan Building, Residential, Plumbing, and Mechanical Codes will go into effect. These revisions are proposed in order to properly reference the State of Michigan Codes.

With the proposed revisions most of Chapter 79 is being deleted. Many of the provisions of the current text of Chapter 79 are now incorporated into the body of the State of Michigan Code. Other provisions of the current City Code proposed to be deleted relating to submittal requirements are not required to be ordinance form. These submittal and approval procedures will be reissued as part of our submittal requirements handouts.

We are also asking that the Building Permit Fee Schedule be deleted from Chapter 79 and adopted as a separate resolution. This action would be in line with the adoption of all of the other Electrical, Mechanical and Plumbing Permit fees.

CITY OF TROY AN ORDINANCE TO AMEND CHAPTER 79 OF THE CODE OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 79 of the Code of the City of Troy.

Section 2. Amendment Chapter 79 of the Troy City Code is amended to read as follows:

TITLE VIII - BUILDING REGULATIONS

CHAPTER 79 GENERAL BUILDING REGULATIONS

- 8.1. Adoption of Code by Reference. Pursuant to the provisions of Section 3(k) of Act 270 of 1909, State of Michigan, as amended, Michigan Complied Laws 117.3(k)-and Section 8a of Act 230 of 1972, State of Michigan, as amended, Michigan Complied Laws 125.1508a, the State of Michigan Building Code the BOCA National Building Code, 1996 Edition, as promulgated and published by the Building Official's and Code Administrators International, Inc., is hereby adopted by reference by the City of Troy as in this Chapter modified, for the purpose of regulating the erection, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures, and shall apply to existing or proposed buildings and structures in the City of Troy. A complete copy of the code is available for inspection at the office of the Troy City Clerk.
- 8.2. <u>Code on File</u>. Complete printed copies of the National Building Code, 1996 Edition, herein adopted, are available for public use and inspection at the office of the City Clerk.
- 8.3. Reference in Code. References in the National Building Code to "state" and (name of state) shall mean the State of Michigan; references to "Municipality" and (Name of Municipality) shall mean the City of Troy; references to "municipal charter" shall mean the Charter of the City of Troy, and references to "local ordinances" shall mean the Troy City Code.
- 8.4.8.2 Changes in Code. The following sections and sub-sections of the National Michigan Building Code are hereby amended or deleted as set forth and additional sections and sub-sections are added as indicated. Subsequent section numbers used in this Chapter shall refer to the like numbered sections of the National Michigan Building Code. The following article, Sections and sub-sections are numbered to conform to the numbering in the National Michigan Building Code.

- 104.1 <u>Building Official</u>. The administration and enforcement of the basic code shall be the responsibility of the enforcing agency in accordance with the act. The Building Official shall be registered pursuant to Act No. 54 of the Public Acts of 1986, being §338.2301 ET SEQ of the Michigan Compiled Laws, and known as the Building Officials and Inspectors Registration Act.
- <u>Appointment</u>. The code official shall be appointed by the chief appointing authority of the jurisdiction.
- 104.3 <u>Organization</u>. The department shall provide such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the appointing authority.
- 104.4 <u>Inspectors</u>. Inspectors shall be registered pursuant to Act No. 54 of the Public Acts of 1986, being §338.2301 ET SEQ of the Michigan Compiled Laws, and known as The Building Officials and Inspectors Registration Act.
- 104.6 Deleted
- 105.6 Deleted

ARTICLE 1

- The fire official may enforce the Fire Prevention Code and any section of this code in respect to fire safety.
- Plot Diagram. There shall also be filed a plot plan showing to scale the size and location of all the new construction and all existing structures on the site, distances from lot lines and the established street grades; and it shall be drawn in accordance with an accurate boundary line survey. In addition, for all uses as well as whenever required by the soil removal ordinance, there shall be filed a drainage plan prepared by a registered civil engineer using U.S.G.S. datum showing existing grades to a minimum of 50 feet beyond site property line, the proposed topography of said building site and the proposed surface drainage thereof. Such drainage plan must be approved by the City Engineer. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing buildings and construction that are to remain on the site or plot.

Exception: One and two family residential subdivisions that have an approved grade and drainage plan prepared by a registered civil engineer on file with the City of Troy Engineering Department.

107.6.2 The Building Official may establish the permissible building grade within reasonable limits for the particular site as a condition to the issuance of a building

	permit. The grade determined shall established by resolution of the City Cou	be in accordance with the standards ncil from time to time.		
107.6.3	accurate setback dimensions from all pro engineer, shall be submitted to The Ci	y dwelling, an as-built plot plan, providing operty lines, prepared by a registered civil ty of Troy Building Department after all o framing shall take place until such plan		
107.9	shall become void ninety (90) days after been diligently processed or a permit	cation for a permit for any proposed work date of filing, unless such application has shall have been issued; except that for eay grant one or more extensions of time ty (90) days each.		
108.2	Suspension of Permit: Any permit issu work is suspended or abandoned for a p	ed shall become invalid if the authorized eriod of ninety days.		
111.5	Condemnation. No permit shall be issued for any building or other structure upon any land which has been condemned for any public improvement, or on any land ordered condemned by the City Council for any public improvement until a notice of such proposed condemnation has been fixed to the plans, application and permit. Nor shall a permit be issued for any building or structure upon which a notice of violation of any pertinent laws or ordinances has been issued, unless there shall be included in the application proposed work to correct the violation at the same time.			
112.3.1	Building Permit Fees. Building permit fees shall be as shown below and shall be exclusive of any fees now or hereafter established for electrical, plumbing, or other related permits.			
	Valuation of Work			
	under \$1,000 \$1,001.00 - \$10,000	\$25.00 \$25.00 plus \$15.00 for each additional \$1,000.00 or part		
	\$10,001.00 and over	thereof over \$1,001.00 \$160.00 plus \$5.00 for each additional \$1,000.00 or part thereof over \$10,001.00		
	Grade and Drainage Inspection			
	Residential All other Developments and Site Plan Review	\$50.00 per lot \$70.00 per 1st acre and		
		\$15.00 per additional		

		acre			
	<u>Demolition</u>				
	Sheds, Garages and barns	\$30.00			
		\$30.00			
	Industrial and Commercial	\$75.00			
	Each Additional accessory structure on the same site	\$10.00			
Note:	School Construction				
	truction permit fees shall be waived for some property taxes collected and disperse				
112.6 Additional Fees. When work is started for which a permit is required, before a permit is secured, the permit fee may be doubled. In cases where special investigation is required an additional fee may be charged, each hour or fraction thereof\$30.00. Overtime costs will be computed at \$45.00 per hour for time and one-half and \$60.00 per hour for double time.					
	When a plan and building application is submitted and revised, not issued, or canceled after the permit is issued, the following fee schedule shall apply:				
	Plan review (altered or revised plans) - Actual fee of structural consultant plus 20% of the building permit fee, of plan revised.				
Plan review (permits not issued) - Actual fee of structural consultant plus 25% of building permit fee.					
	ling costs for permits canceled after being is 0, whichever is greater.	sued - 35% of the building permit fee or			
112.6.1	Plan Review Fees. A plan review fee shavaluation of work exceeds \$5,000.00. The valuation of the work by .0003 with a minim of submittal.	nis fee is computed by multiplying the			
112.6.2	Building Construction Concrete St Building Construction Concrete Street Da	reet Damage Repair Fee Required. A mage Repair Fee shall be paid to the			

City Treasurer prior to the issuance of a building permit when building construction is to occur on a lot abutting a concrete street which is maintained by the City of Troy. Said fee shall be for the cost of sealing the longitudinal and transverse joints and pavement cracks as may have occurred and of performing other necessary maintenance procedures on streets in subdivisions and office, commercial, research and industrial development areas which are necessitated by the adverse affect of building construction traffic, spillage of abrasive and other damaging materials and by other occurrences injurious to concrete paving which may result from concentrated building activity.

112.6.3	Building	Construction	Concrete	Street	Damage	Repairs	Fee	Sched	ule.
		Construction							

Zoning	Average		
	Lot Width	Fee	<u>Basis</u>
R1-A	120'	\$126	Per Lot
R1-B	100'	105	Per Lot
R1-C	85 '	89	Per Lot
R1-D	75 '	79	Per Lot
R1-E	60'	63	Per Lot
Other Zoning E		1.05	Per Per
			abutting
			foot on 28'
			streets
		1.60	Per abutting
			foot on 36'
			streets

In the case of lots having frontage on more than one street, only that on which the building is addressed shall be considered in determining the fee due.

An accounting shall be maintained of the proceeds from the above fee. Said proceeds shall be used solely for joint and crack sealing and other deferred maintenance and repair procedures on streets in platted subdivision and office,

research, commercial and industrial areas as referred to above.

112.6.5 Microfilm Fees. In order to compensate for payment to microfilm plans an applicant shall be required to submit a fee of \$1.00 per sheet on all permits issued for buildings or additions.

Exception: One and Two-Family Dwellings and their accessory structures.

- 116.4 <u>Violation Penalties</u>. Any person who shall violate a provision of the Basic Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of the Basic Code, shall be guilty of a violation of the Troy City Code and shall be punished as prescribed in Chapter 1 of said Code.
- 116.6 <u>Nuisance Per Se.</u> Any building or structure erected, used, moved, demolished, occupied or maintained in violation of this Chapter is hereby declared to be a nuisance per se. Upon application to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation, or threatened violation, restrained and enjoined.
- Surface Drainage. No certificate of occupancy shall be issued until the final grading has been approved by the City Engineer or his authorized representative. When conditions will not permit the required grading to be done, the Building Inspector may issue a temporary certificate of occupancy provided an adequate bond is submitted to the City to insure the completion of the grading. The fee to cover the cost of inspecting said finish grading shall be paid before a building permit is issued.

Add the foolowing Section 116 to read as follows:

121.0116.0 Board of Appeals.

121.1116.1

Application for Appeal. The owner of a building or structure or any other person may appeal from a decision of the building official refusing to grant a modification of the provisions of the building regulation enacted by the City Council, including but not limited to, the Basic National Building Code, the Existing Structure Code, the Fire Prevention Code, Electrical Code, Plumbing Code, Heating Code, Fence Ordinance, Sign Ordinance, but not including the Zoning Ordinance, covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure to the Board of Appeals. Application for appeal may be made when it is claimed that: the true intent of the building regulations, as listed above, adopted to regulate the construction or occupancies of buildings, or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the building regulations do not fully apply, or an equally good or better form of construction can be used.

121.2116.2

Membership of Board. The Board of Appeals shall consist of the following:

1. The Building Official. 2. The Director of Public Works. 3. The Fire Chief. 4.

Representative of the Oakland County Health Department. 5. Professional structural or civil engineer of architectural engineering experience, who shall be appointed by the City Council for a period of five (5) years.

121.2.1 Section deleted.

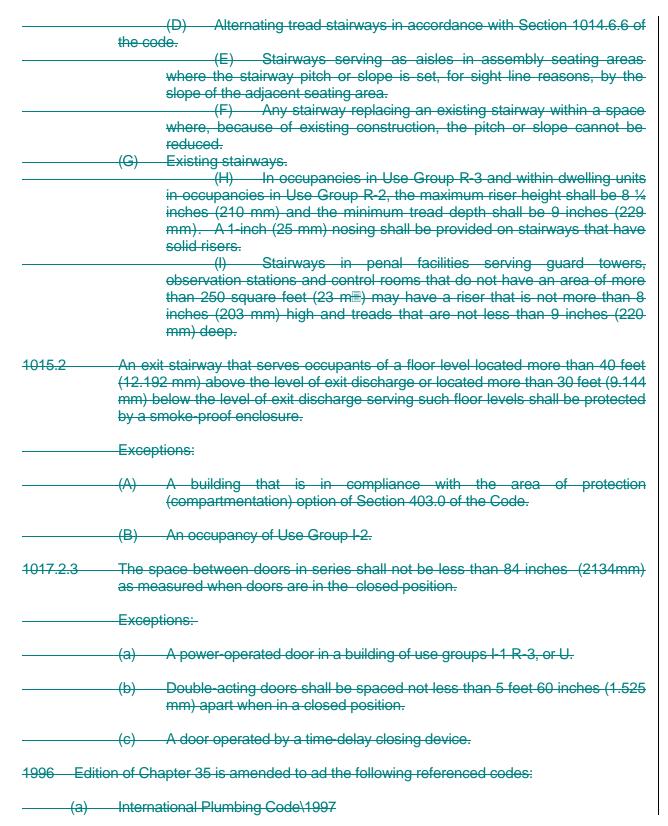
- <u>116.2.1</u> <u>Absence of Members</u>. During absence of a member by reason of disability or disqualification, the City Council shall designate a qualified substitute.
- <u>121.2.6</u> <u>116.2.2</u> <u>Compensation of Board of Appeals</u>. Compensation of appointed members of the board shall be determined by the City Council.
- Public Hearing. All hearings shall be public; and the appellant, his representative, the official of the municipality and any other person whose interests may be affected by the matter on appeal, shall be given an opportunity to be heard; it shall be the rule in cases heard for variance to Chapter 83, Fences, to notify all owners of record or property within 300 feet of the premise in question, such notices to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll. The Board may require any party applying to the Board for relief to give such notice to other interested parties as it shall prescribe.
- 403.1 The provisions of this section shall apply to a building that has an occupied floor or floors located more than 40 feet above the lowest level of fire department vehicle access.

(Note: No change to Exceptions)

- A building that has an occupied floor or floors located at a height of more than 40 feet shall either be equipped throughout with an automatic sprinkler system according to section 906.2.1 of the code or shall have safe areas of protection according to section 403.2.1 of the code. A building that has an occupied floor or floor located at a height of more than 75 feet (22.860 mm) shall be equipped throughout with an automatic sprinkler system according to section 906.2.1 of the code.
- 403.2.1 When used in lieu of an automatic sprinkler as permitted by Section 403.2 of the code, areas of protection shall be provided according to Sections 403.2.1.1 to 503.2.1.5 of the code.
- 403.2.1.1 Every story shall be divided into 2 or more areas of approximately the same size without a single area exceeding 15,000 square feet (1395 m₂). The wall and doors between the areas of protection shall be constructed as required for a horizontal exit in Section 1019.0 of the code.
- Each area of protection (compartment) shall contain not less than one enclosed exit stairway and each compartment shall have access to an elevator that shall serve one or more compartments. When elevators are directly accessible and serve more than one compartment, the elevator lobby shall be separated from the compartments by not less than 2-hour fire-resistance rated construction including tight-fitting fire doors in compliance with Section 716.0 of the code.

403.2.1.3 Walls used for compartmenting a building shall have a fire-resistance rating of not less than 2 hours. Duct penetrations of this wall are not permitted. Ferrous or copper piping and conduit shall only penetrate or pass through the wall if the penetration is protected by an approved through-penetration system in compliance with Section 709.6 of the code. The fire door that serves as the horizontal exit between compartments shall be installed, fitted or gasketed so that it will provide a substantial barrier to the passage of smoke and shall be in compliance with Sections 1019.2 and 1019.2.1 of the code. 403.2.1.4 The fire-resistive floor or the floor/ceiling construction shall extend to and be tight against the exterior wall so that the fire-resistive integrity between stories is maintained. Penetrations or other installations that will impair the fire-resistive integrity of the floor or floor/ceiling assembly are not permitted (see Section 704.1 of the Code). 403.2.1.5 A fire protective signaling system (pull boxes) shall be provided and installed in compliance with Section 917.0 of the Code. 1005.5 Open Sided Walking Areas: Guards shall be located along open-sided walking surfaces, mezzanines, stairways, ramps, and landings that are located more than 15 1/2 inches (394 mm) above the floor or grade below. These guards shall be constructed in accordance with Section 1021.0 of the Code. **EXCEPTION:** Guards are not required for the following locations. (A) On the loading side of loading docks. (B) On the Auditorium side of stages and raised platforms. On raised stage and platform floor areas such as runways, ramps, and side stairs utilized for entertainment or presentations. At vertical openings in the performance area of stages and platforms. At elevated walking surfaces appurtenant to stages and platforms for access to and utilization of special lighting or equipment. Porches or exterior walking surfaces which are of use group R-3 occupancies and which are not more than 30 inches above grade. 1014.6 Treads and Risers: The maximum riser height shall be 7 inches (178 mm) and the minimum riser height shall be 4 inches (102 mm). The riser height shall be measured vertically between the lading edges f the adjacent treads. The minimum tread depth shall be 11 inches (279 mm), measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the treads leading edge. **EXCEPTIONS:** Winders in accordance with Section 1014.6.3 of the code. (B) spiral stairways in accordance with Section 1014.6.4 of the code.

Circular stairways in accordance with Section 1014.6.6 of the Code.



(b) National Electrical Code\1996 with R.E.C.I. Amendments.

Section 314.2 of the CABO One and Two Family Dwelling Code is amended to read as follows:

314.2 TREADS AND RISERS.

The maximum riser height shall be 8 ½ inches (210 mm) and the minimum tread depth shall be 9 inches (229 mm). The riser height shall be measured vertically between leading edges f the adjacent treads. The tread depth shall be measured horizontally between the vertical planes of the foremost project of adjacent treads and at a right angle to the treads' leading edge. The walking surface of the treads and landings of a stairway shall be sloped no steeper than 1 unit vertical in 48 units horizontal (2% Slope). The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 of an inch (9.5 mm). The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 of an inch (9.5 mm).

ARTICLE 25

MECHANICAL CODE

2500.0 Adoption of Code by Reference

Pursuant to the provisions of Section 3 (k) of Act 279 of 1909 State of Michigan, as amended, Michigan Complied Laws 117.3(k)and the International Michigan Mechanical Code/1996 Edition is adopted herein by reference by the City of Troy for the purpose of governing the requirements for the design and installation of H.V.A.C. systems is building in the City of Troy. Complete and printed copies of the International Michigan Mechanical Code/1996 Edition are available for public use and inspection at the office of the City Clerk

2501.1 <u>Change in Code.</u> The following sections or sub-sections of the International Mechanical Code, 1996 Edition, are hereby amended and additional sections or sub-sections are added as indicated, by their article and/or section number.

M-100.1 Title.

This code shall be known as the Mechanical Code of the City of Troy and hereafter referred to as the Mechanical Code or this code.

M-101.2 The design, installation, maintenance, alteration, and inspection of mechanical systems, including be in compliance with the requirements of this code:

- (a) Heating systems.
- (b) Ventilating systems.
- (c) Cooling Systems.
- (d) Steam and hot water heating systems.
- (e) Water heaters.

	(f) Process piping.			
	(g) Residential boilers and pressure vessels.			
	(h) Appliances that utilize gas, liquid, or solid fuel.			
	(i) Chimneys and vents.			
	(j) Mechanical refrigeration systems.			
	(k) Fireplaces.			
-	(I) Barbecues.			
	(m) Incinerators.			
	(n) Crematories.			
	(o) Fire suppression systems.			
	(p) Ail pollution control systems.			
	(q) Systems utilizing solar or geothermal energy as an energy source.			
M-101.2.1	A person shall possess a mechanical contractor's license pursuant to the provisions of Act No. 192 of the Public Acts of 1984, as amended, being §338.971 et seq of the Michigan Compiled Laws, to install mechanical equipment, regulated by this code. A person shall possess a boiler installer's license issued by the Michigan Department of Labor, boiler division to install boilers.			
M-103.5	The mechanical official shall possess a mechanical inspector's certification issued under Act No. 54 of the Public Acts of 1986, being §338.2301 et seq. of the Michigan Compiled Laws.			
M-105.2	Approval for the use of new materials shall be in compliance with Section 21 of Act No. 230 of the Public Acts of 1972, as amended. Being §125.1521 et seq of Michigan Compiled laws.			
M-106.1	Mechanical work shall not be commenced until a permit for such work has been issued by the code official. A mechanical permit shall not be transferable. To obtain mechanical permits, an applicant shall be one of the following:			
	(a) A mechanical contractor who has obtained a license issued under Act No. 192 of the Public Acts of 1984, as amended, being §338.971 et seq. of the Michigan Complied Laws.			
	(b) A homeowner who occupies or will occupy a single-family dwelling for which the permit is obtained and who will install the mechanical equipment as certified by the homeowner's affidavit as indicated on the permit application.			
	(c) A person shall have both a mechanical contractor's license with the classifications hydronic heating and cooling and possess piping and hyac equipment and a boiler's installer license under Act No. 290 of the Public Acts of 1965, as amended, being §408.751 et seq. of the Michigan Compiled Laws, shall secure a permit for the installation of a steam or hot water boiler which carries a pressure of not more than 15 psig and which is located in a private residence or in an apartment building that has a capacity of less than 6 families.			

M-106.2	A person is not required to obtain a permit to perform mechanical work on any of the following items:
	(a) A portable heating or gas appliance. (b) Portable ventilation equipment. (c) A portable cooling unit.
	(d) A minor part that is replaced if the replacement does not affect equipment approval or make it unsafe.
	 (e) A portable evaporative cooler. (f) Self-contained refrigeration equipment and a window-type air conditioner that is not more than 1.5 horsepower.
	(g) A boiler or pressure vessel for which a permit is required by sections 17 and 18 of Act No. 290 of the Public Acts of 1965, as amended, being
	§408.767 and §408.768 of the Michigan Compiled Laws. (h) Oil burner that does not require connection to a flue, such as an oil stove
	and a heater equipped with a wick. (i) Portable gas burners that has inputs of less than 30,000 btu's per hour.

ARTICLE 27

ELECTRICAL WIRING AND EQUIPMENT

SECTION 2700.0 GENERAL

Code Adopted. Pursuant to the provisions of Section 3 (K) of Act 279 of 1909, State of Michigan, as amended, Michigan Complied Laws 117.3(k) and Section 8a of Act 230 of 1972, State of Michigan, as amended Michigan Complied Laws 125.1508a, the State of Michigan Electrical Code is hereby adopted by reference by the City of Troy, for the purpose of regulating the installation, alteration, repair, conversion, use and maintenance of all electrical wiring for light, heat and power, service equipment for radio and television receiving systems, alarm systems and all alterations or extensions to existing wiring systems in or on buildings and structures to insure safety. A complete copy of the code is available for inspection at the office of the Troy City Clerk.

2700.1 Fees for the issuance of electrical wiring and equipment permits and for inspections required under the provisions of this Ordinance shall be paid to the City Treasurer.

The amount of such fees shall be established by resolution of the City Council and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.

ARTICLE 28

PLUMBING CODE

2800.0 Code Adopted: Pursuant to the provisions of Section 3(k) of Act 279 of 1909,

State of Michigan as amended, Michigan Complied Laws 117.3(k)and Article 28, Plumbing Systems of the International-Michigan Plumbing Code, 1997 Edition, is hereby adopted by reference by the City of Troy for the purpose of governing the requirements for the design and installation of plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplied, and storm water and sewer disposal in building in the City of Troy. Complete and printed copies of the International Michigan Plumbing Code/1997 Edition are available for public use and inspection at the office of the City Clerk.

- 2801.01 Changes in Code: The following sections or sub-sections of the International Plumbing Code, 1997 Edition, are hereby amended or deleted and additional sections or sub-sections are added as indicated, by their Article and/or section number.
- P-100.4 Effective Date. This Code shall take effect 10 days after adoption.
- P101.1 This code shall be known as the City of Troy, Plumbing Code and hereinafter referred to as the Plumbing Code or the Code.
- P-103.2 The code official shall be appointed by the chief appointing authority of the jurisdiction.
- P-105.6 Plans submitted for approval for hospitals, nursing homes, and homes for the aged shall be approved by the Department of Health, or the Licensing or Certifying Agency having jurisdiction, or both, prior to submission to the administrative authority.
- P-106.6.1 Any person, partnership, firm or corporation desiring to do business as a sewer installer in the City of Troy, shall first obtain a license from the City of Troy.
- P-106.6.2 Plumbing Permits shall be issued only to a licensed master plumber or qualified home owner meeting the requirements of the administrative authority.
- P-202 Definition of Plumbing Terms
- "Clean-out" means an accessible opening in the drainage system that is used to remove obstructions.
 - "Conductor" means pipe inside a building that conveys storm water from the roof to an approved means of disposal.
 - "Water Distributing Pipe" means a pipe in a building or on the premises that conveys water from the water service pipe to the point of usage.
- P-403.1 Minimum number of fixtures. Plumbing fixtures shall be provided for the type of occupancy, and in the minimum number shown in table 403.1. Type of

occupancies not shown in table 403.1 shall be considered individually by the code official. All single-family and multi-family dwellings and all commercial buildings which produce or develop garbage or food waste, shall be equipped with a food waste grinder in accordance with this code. E The number of occupants shall be determined by the building code. Occupancy classification shall be determined in accordance with the building code.

- P-412.5 Each underground sanitary and storm sewer drain system shall include a minimum of one (1) floor drain when the drain system is located below the basement floor.
- P-602.2 A public water supply system shall be deemed available to premises used for human occupancy if such premises are within 200 feet, measured along the street, alley, or easement, of the public water supply, and a connection conforming with the standards set forth in this code may be made thereto.
- P-701.2 A public sewer system shall be deemed available to premises used for human occupancy if such premises are within 200 feet, measured along the street, alley, or easement, of the public sewer system, and if a connection that is in compliance with the standards set forth in the code can be made to the public sewer system.
- Adoption of Code by Reference. Pursuant to the provisions of Section 3(k) of Act 270 of 1909,

 State of Michigan, as amended, Michigan Complied Laws 117.3(k), the State of

 Michigan Residential Building Code is hereby adopted by reference by the City of

 Troy for the purpose of regulating the erection, construction, alteration, addition,
 repair, removal, demolition, use, location, occupancy and maintenance of all one
 and two family buildings and structures, and shall apply to existing or proposed
 one and two family buildings and structures in the City of Troy. A complete copy
 of the code is available for inspection at the office of the Troy City Clerk.

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal

regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 5. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 6. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the 23rd day of July, 2001.

Matt Pryor, Mayor	
Tonni Bartholomew. City Clerk	

<u>Building Permit Fees</u>. Building permit fees shall be as shown below and shall be exclusive of any fees now or hereafter established for electrical, plumbing, or other related permits.

Valuation of Work

under \$1,000 \$25.00

\$1,001.00 - \$10,000 \$25.00 plus \$15.00 for each

additional \$1,000.00 or part thereof over \$1,001.00

\$10,001.00 and over \$160.00 plus \$5.00 for each

additional \$1,000.00 or part thereof over \$10,001.00

Grade and Drainage Inspection

Residential \$50.00 per lot

All other Developments

and Site Plan Review \$70.00 per 1st acre and

\$15.00 per additional acre

<u>Demolition</u>

Sheds, Garages and barns \$30.00

Dwellings \$30.00

Industrial and Commercial \$75.00

Each Additional accessory \$10.00

structure on the same site

Note: <u>School Construction</u>: Construction permit fees shall be waived for school districts supported primarily by advalorem property taxes collected and dispersed to the school district by the City of Troy.

Additional Fees. When work is started for which a permit is required, before a permit is secured, the permit fee may be doubled. In cases where special investigation is required an additional fee may be charged, each hour or fraction thereof...\$30.00. Overtime costs will be computed at \$45.00 per hour for time and one-half and \$60.00 per hour for double time.

When a plan and building application is submitted and revised, not issued, or canceled after the permit is issued, the following fee schedule shall apply:

Plan review (altered or revised plans) - Actual fee of structural consultant plus 20% of the building permit fee, of plan revised.

Plan review (permits not issued) - Actual fee of structural consultant plus 25% of building permit fee.

Handling costs for permits canceled after being issued - 35% of the building permit fee or \$10.00, whichever is greater.

<u>Plan Review Fees</u>. A plan review fee shall be paid for a building permit when the valuation of work exceeds \$5,000.00. This fee is computed by multiplying the valuation of the work by .0003 with a minimum fee of \$30.00 to be paid at the time of submittal.

Building Construction Concrete Street Damage Repair Fee Required. A Building Construction Concrete Street Damage Repair Fee shall be paid to the City Treasurer prior to the issuance of a building permit when building construction is to occur on a lot abutting a concrete street which is maintained by the City of Troy. Said fee shall be for the cost of sealing the longitudinal and transverse joints and pavement cracks as may have occurred and of performing other necessary maintenance procedures on streets in subdivisions and office, commercial, research and industrial development areas which are necessitated by the adverse affect of building construction traffic, spillage of abrasive and other damaging materials and by other occurrences injurious to concrete paving which may result from concentrated building activity.

<u>Building Construction Concrete Street Damage Repairs Fee Schedule.</u> Said Building Construction Concrete Street Damage Repair Fee shall be computed as follows:

Zoning	Av	verage					
District	Lot Width	<u>Fee</u>	<u>Basis</u>	<u>3</u>			
R1-A	120'	\$126	Per L	_ot			
R1-B	100'	105	Per L	_ot			
R1-C	85'	89	Per L	_ot			
R1-D	75'	79	Per L	_ot			
R1-E	60'	63	Per L	_ot			
Other Z	oning Districts	1.05	Per	abutting	foot	on	28'
streets	-			_			
		1.60	Per	abutting	foot	on	36'
streets							

In the case of lots having frontage on more than one street, only that on which the building is addressed shall be considered in determining the fee due.

<u>Building Construction Concrete Street Damage Repair Fees Accounting.</u> An accounting shall be maintained of the proceeds from the above fee. Said proceeds shall be used solely for joint and crack sealing and other deferred maintenance and repair procedures on streets in platted subdivision and office, research, commercial and industrial areas as referred to above.

Microfilm Fees. In order to compensate for payment to microfilm plans an applicant shall be required to submit a fee of \$1.00 per sheet on all permits issued for buildings or additions.

Exception: One and Two-Family Dwellings and their accessory structures.

Service Commendation HENRY ALLEMON

WHEREAS, Henry Allemon began his service to the City of Troy as a member of the city Council on April 10, 1989 and served until April 9, 2001; and

WHEREAS, He has also served the citizens of Troy as a dedicated volunteer contributing countless hours to Troy Community Coalition, Troy Daze Festival, Emerald Lakes Homeowners Association, Kiwanis Club of Troy, Medi-Go Plus, Troy Boys & Girls Club, Troy Senior Citizens, Athens Athletic Boosters, Troy Jaycees, Troy Foundation for Educational Excellence, St. Anastasia Church, Troy Youth Soccer, and the Veteran's Memorial Fundraising Committee; and

WHEREAS, The Mayor and City Council of the City of Troy wish to express on behalf of the City, their appreciation to **Henry Allemon** for his outstanding service to the community; and

WHEREAS, He has strived at all times to further those ideals that contribute to a better community;

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy expresses the City's appreciation and recognition for this distinguished citizen's service as a member of the

TROY CITY COUNCIL

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to **Henry Allemon** as a lasting expression of the City's gratitude and appreciation for his contribution to the betterment of the City of Troy, Michigan.

Presented this 23rd day of July 2001.

Service Commendation JOHN R. STEVENS

WHEREAS, John R. Stevens began his service to the City of Troy as a member of the Personnel Board on April 26, 1976 and served until January 21, 1992, 12 years as Chairman; and

WHEREAS, He served the citizens of Troy as a City Councilman from April 13, 1992 until April 9, 2001 and served as Mayor Pro Tem for one year; and

WHEREAS, The Mayor and City Council of the City of Troy wish to express on behalf of the City, their appreciation to **John R. Stevens** for his outstanding service to the community; and

WHEREAS, John also contributed countless hours with the Troy Jaycees, Troy Parks & Recreation soccer and basketball programs as a coach, Historical Society, Clawson/Troy Elks, and Troy High School Boosters Club; and

WHEREAS, He has strived at all times to further those ideals that contribute to a better community;

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy expresses the City's appreciation and recognition for this distinguished citizen's service as a member of the

TROY CITY COUNCIL

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to **John R. Stevens** as a lasting expression of the City's gratitude and appreciation for his contribution to the betterment of the City of Troy, Michigan.

Presented this 23rd day of July 2001.

Service Commendation JEANNE M. STINE

WHEREAS, Jeanne Stine began her service to the City of Troy as a member of the City Council on April 13, 1976 and served until April 13, 1992; and

WHEREAS, She became Mayor of Troy on April 13, 1992 and served until April 9, 2001; and

WHEREAS, Jeanne has also served the citizens of Troy as a dedicated volunteer contributing countless hours to the Troy Fire Fighters Women's Auxiliary, Troy Youth Assistance, Troy Community Coalition, Troy Daze Festival, Troy Downtown Development Authority, Clawson/Troy Optimist Clubs, Troy Historical Society, Troy Boys & Girls Club, Troy Senior Citizens, Boy Scouts of America, Clawson/Troy Elks, Council on Aging, and Traffic Improvement Association of Oakland County; and

WHEREAS, The Mayor and City Council of the City of Troy wish to express on behalf of the City, their appreciation to **Jeanne M. Stine** for her outstanding service to the community; and

WHEREAS. She has strived at all times to further those ideals that contribute to a better community;

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy expresses the City's appreciation and recognition for this distinguished citizen's service as a member of the

TROY CITY COUNCIL 1976 - 2001

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to **Jeanne M. Stine** as a lasting expression of the City's gratitude and appreciation for her contribution to the betterment of the City of Troy, Michigan.

Presented this 23rd day of July 2001.

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, June 6, 2001.

PRESENT: Ted Dziurman Mark Stimac

Rick Kessler Pam Pasternak

Bill Need Bill Nelson

ABSENT: Frank Zuazo

ITEM #1 – APPROVAL OF MINUTES, MEETING OF MAY 2, 2001

Motion by Need Supported by Nelson

MOVED, to approve the minutes of the meeting of April 4, 2001 as written.

Yeas: 4 – Dziurman, Kessler, Need, Nelson

Absent: 1 - Zuazo

MOTION TO APPROVE MINUTES OF THE MEETING OF MAY 2, 2001 AS WRITTEN CARRIED

ITEM #2 - VARIANCE REQUESTED. MR. MICHAEL TAGGART, 4586 BUTLER, for relief of Chapter 83 to erect a chain link fence.

Petitioner is requesting relief of Chapter 83 to erect a 48" high chain link fence at his residence. This lot is a double front corner lot, in that it has a front yard on both Butler and London. Chapter 83 limits the height of fences to 30" in that portion of the property in front of the building setback line. The site plan submitted indicates a 48" high chain link fence in the front setback along London.

This item was first brought to the Board at the meeting of May 2, 2001. It was tabled to allow the petitioner the opportunity to determine if it is possible to add decorative fencing to the proposed cyclone fencing and to look at an alternative location farther back on his property. This tabling also was to allow the petitioner the opportunity to contact his neighbor, to find out what type of fencing he would approve.

Mr. Stimac indicated that he had heard from the petitioner stating that he was planning to withdraw this request and erect a fence that would be in compliance with the Ordinance. No correspondence was received from the petitioner and the petitioner was not present at the meeting.

Motion by Need Supported by Kessler

ITEM #2

MOVED, to deny the request of Mr. Michael Taggart, 4586 Butler, relief of Chapter 83 to erect a 48" high chain link fence.

- Verbal indication that petitioner did not wish to pursue this variance.
- Petitioner was not present at this meeting.

Yeas: 3 – Kessler, Need, Nelson

Nays: 1 – Dziurman Absent: 1 – Zuazo

MOTION TO DENY REQUEST CARRIED

ITEM #3 – VARIANCE REQUESTED. VALERIA TALIA, 1612 MILVERTON, for relief of Chapter 83 to install a 6' high privacy fence.

Petitioner is requesting relief of Chapter 83 to erect a 6' high privacy fence. Because of the configuration of this lot, and those adjacent to it, it is classified as a double front corner lot. As such, it has a front yard on both Milverton and Maple. Chapter 83 limits the height of fences to 30" in that portion of the property in front of the building setback line. The permit application indicates a 6' high privacy fence along the south property line in the front setback along Maple Road.

The Chairman moved this item to the end of the agenda (Item #6) to allow the petitioner the opportunity to be present.

ITEM #4 – VARIANCE REQUESTED. DEBORAH MIELA, 2410 DALESFORD, for relief of Chapter 83 to install a 48" high fence.

Petitioner is requesting relief of Chapter 83 to erect a 48" non-obscuring fence. Because of the orientation of this lot and those adjacent to it, this lot is a double front corner lot. As such, it has a front yard along both Dalesford and Glyndebourne. Chapter 83 limits fences in front yard setbacks to 30" in height. The application submitted indicates a combination of 48" high wrought iron style and chain link fence along the east property line in the front setback along Glyndebourne.

Deborah Miela and Terry Gladstone of Action Fence were present. Ms. Miela stated that she wished to put up this fence due to the fact that they own dogs and would like to be able to let them have the run of their property. Ms. Miela also stated that they have young children living next door and believes that the fence would provide a safety factor for them. Ms. Miela explained that the part of the fence along the driveway would be wrought iron and would attached to a cyclone fence along the remainder of the yard that would be covered with a black vinyl coating. The reason they have chosen this type of fence is so that it would blend in with the neighborhood rather than stand out.

ITEM #4

Ms. Miela also stated that the property has a great deal of shrubbery on it and they are planning to put the fence through existing lilac bushes in order to lessen the impact on surrounding property. Ms. Miela further stated that presently they are undertaking a large renovation project on this home and eventually they would like to put in an in ground pool. Mr. Stimac confirmed that the City Code requires a 48" fence around an in ground pool. Ms. Miela said due to a lack of definition of the north property line they have also had a problem with children in the neighborhood putting up a tree house at the back of their property and they have had to clean up their property a few times. Ms. Miela believes that a fence will help to take care of this problem.

Mr. Nelson asked where the fence would have to go in order to comply with the Ordinance and Mr. Stimac stated that it would have to parallel the curve of Glyndebourne with a setback of 40°. Mr. Stimac also stated that although masonry walls or permanent structures are not allowed on easements, it has not been the policy of the City of Troy to restrict placing cyclone and/or privacy fences on these easements.

The Chairman opened the Public Hearing.

Mr. Carl Pacacha, 2345 Dalesford, was present and stated that he is very active in the homeowner's association and generally they do not approve of fences in this area. He also stated that after talking to Ms. Miela and seeing exactly what she has in mind he does not object as strongly as he previously thought he would.

No one else wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are two (2) written objections on file.

Motion by Need Supported by Nelson

MOVED, to grant Deborah Miela, 2410 Dalesford, a variance for relief of Chapter 83 to install a 48" high fence.

- Due to the large number of trees and shrubs on the property, the fence would have a minimum impact on the surrounding area.
- Variance is not contrary to public interest.

Yeas: 4 – Dziurman, Kessler, Need, Nelson

Absent: 1 - Zuazo

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUESTED. LAWRENCE K. YETTER, REPRESENTING HARLEY ELLIS, 44201 DEQUINDRE, for relief of the 1997 International Plumbing Code (IPC) Section 1107.2.

The 1997 IPC requires that roof drainage systems be provided with a secondary drainage system that has piping and a point of discharge that is independent from the primary roof drains. It further requires that this secondary drainage discharge be at a location, above grade, where the building occupants would normally observe it. The petitioners are proposing a secondary system that would be interconnected with the primary system within the building. They propose over sizing the primary system and installing alarms in the secondary system to notify the occupants if the overflow is receiving water. They are asking relief for this modified system.

Mr. Lawrence Yetter was present and stated that they are asking for this variance due to the fact that they have found that when there is water runoff in the winter months it turns to ice and causes hazardous conditions. Mr. Yetter also explained that there are approximately 20 roof sumps that will cover 10 acres of drainage. Mr. Yetter stated that if this variance were not granted they would actually end up with two complete drain systems. Mr. Yetter said that they planned on putting an alarm about ¾ of the way down the pipe so that when the primary roof system was plugged, it would alert building maintenance that there was a problem. Mr. Yetter also said that the structural system of the roof would allow for 100 pounds a square foot of load or 19" of ponded water. Mr. Yetter stated that he believes that these requirements were put in the code essentially for hurricanes and with the new 2000 International Plumbing Code they would be changed. Mr. Yetter pointed out that due to the fact that the building is 75' high there would be very little debris on the top of the building to plug the primary roof drain.

Mr. Nelson asked what kind of device would be used to determine the water flow and Mr. Yetter replied that it was a "battle switch" type. Mr. Nelson also asked if there would be a performance test to make sure that this secondary drain with alarm was functional and Mr. Yetter replied that this was a "fully commissioned" building and each system that they installed would be tested to determine maximum efficiency. Mr. Need asked if it would be possible to cut in some kind of scupper system if the system did fail to allow the water to drain from the building. Mr. Yetter replied that he thought that the only way the system would fail would be if someone were to sabotage it and the only access to the roof is with a key. Mr. Nelson asked where the roof sumps discharge to and Mr. Yetter stated that there are ten (10) vertical conductors in different parts of the building. Mr. Nelson also asked if there were any type of backup and Mr. Yetter stated that there were secondary drainage conductors.

Motion by Nelson Supported by Kessler

ITEM #5

MOVED, to grant Lawrence K. Yetter, Representing Harley Ellis, 44201 Dequindre for relief of the independent secondary roof drainage system required by Section 1107.2 of the 1997 International Plumbing Code (IPC) to over size the primary system and install alarms in the secondary system to notify the occupants if the overflow is receiving water.

- System will be tested to make sure it works efficiently.
- Variance would not be contrary to public interest.

Yeas: 4 – Dziurman, Kessler, Need, Nelson

Absent: 1 – Zuazo

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 (ITEM #3) – VARIANCE REQUESTED. VALERIA TALIA, 1612 MILVERTON, for relief of Chapter 83 to install a 6' high privacy fence.

Petitioner is requesting relief of Chapter 83 to erect a 6' high privacy fence. Because of the configuration of this lot, and those adjacent to it, it is classified as a double front corner lot. As such, it has a front yard on both Milverton and Maple. Chapter 83 limits the height of fences to 30" in that portion of the property in front of the building setback line. The permit application indicates a 6' high privacy fence along the south property line in the front setback along Maple Road.

The Chairman moved this item to the end of the agenda (Item #6) to allow the petitioner the opportunity to be present.

Ms. Talia was present and stated that due to the fact that her master bedroom and bathroom are on the side of the house along Maple Road and there is a traffic light located directly across from this area, she does not have the privacy she would like due to heavy traffic. Ms. Talia is also concerned because there are fourteen (14) children in her family under the age of 10 and does not feel that it is safe for them to play in her yard without a fence.

Mr. Dziurman asked where she planned to put the fence and she stated that it would not go all the way to the front of her garage. She is primarily interested in blocking off the side of her home where her bedroom and bathroom are located. Mr. Nelson asked how far from the sidewalk the fence would be located and Ms. Talia stated that she thought the Ordinance stated one foot. Mr. Stimac stated that the house is setback twenty-five (25) feet from the right of way line, which is the required distance. Mr. Need stated that typically in new subdivisions, a fence must be placed at least 15' from the sidewalk to allow for a greenbelt area.

ITEM #6 (ITEM #3)

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Mr. Need asked about a greenbelt area on this property and Mr. Stimac that this was an older platted subdivision approved before the standard for a 15' greenbelt was established. Mr. Need stated that he would like to see the fence placed far enough back so that some shrubbery could be added in the future to help cover the fence.

There are two written approvals on file. One citizen approved the variance at the back of the property and objected to the privacy fence along Maple Road.

Motion by Need Supported by Kessler

MOVED, to grant Valeria Talia, 1612 MILVERTON, relief of Chapter 83 to install a 6' high privacy fence.

- Fence must be a minimum of 10' from the property line along Maple.
- Fence must be installed a minimum of 46.7' from the front property line along Milverton.

Yeas: 4 – Dziurman, Kessler, Need, Nelson

Absent: 1 – Zuazo

MOTION TO GRANT VARIANCE WITH STIPULATIONS CARRIED

The Building Code Board of Appeals meeting was adjourned at 9:20 A.M.

MS/pp

Advisory Committee for Senior Citizens Minutes of June 7, 2001

Present: David Ogg, Member Steven Banch, Member

Jo Rhoads, Member Ed Forst, Member

Merrill Dixon, Member Bill Weisgerber, Member Lawrence Jose, Member

Excused: Marie Hoag, Member Jane Crowe, Member

Carla Vaughan, Staff

Absent: None

Visitors: Jo-Anne Stein, Carol Anderson

Approval of Minutes: Motion by Jo Rhoads, supported by Larry Jose that the minutes of May 3, 2001 be approved as submitted. Ayes: All Nays: None MOTION CARRIED

Old Business:

Personnel Issues: Merrill Dixon led a discussion about the several visitors that attended the May meeting and asked the Committee to intervene in the dismissal of an employee at the Community Center. Committee members were caught off guard and were hesitant about how to handle the matter. "After discussion, Mr. Dixon proposed that the Committee go on record as follows: The Advisory Committee for Senior Citizens will not discuss or take a position on matters dealing with the conduct or handling of personnel employed at the Community Center or elsewhere by the City of Troy. However, the Committee may offer recommendations as to the job descriptions for employee positions that deal with senior activities and programs at the Center." Motion made by Steve Banch, supported by Jo Rhoads, to accept Merrill's comments. Ayes: 5 Nays: 2. MOTION CARRIED

Parks and Recreation Report: Larry Jose reported that land is still being acquired for parks. There are currently over 2,000 children involved in soccer.

Troy Medi-Go Plus Report: Jo Rhoads reported that Medi-Go Plus has acquired the two buses from Independence for Life. Independence for Life is no longer in business because they have lost their main funding source. Therefore, they have given all their vans to the various agencies who were using them. Ridership has doubled in the past few months.

Community Center/Civic Center Update: Carol Anderson reported that the Community Center is on schedule. Contractors will soon go before City Council to present plans for the new golf course.

Suggestion Box: Regarding the suggestion that Troy's trips are overpriced, Merrill Dixon stated that Larry Jose has given a comprehensive report on trips by other cities and consensus shows that Troy is on par with the others as far as rates go. It was suggested that an Ad Hoc committee be formed to study this question. It was stated by Jo-Anne Stein that evaluations after the trips

were discontinued and the Committee felt they should be reinstated and perhaps the surveys should be put in the box so no one can read the responses other than Parks and Recreation staff.

Following a suggestion, Jo Rhoads reported that she will try to do a survey about meals – the quality of food, level of attendance, price of meal, etc – and will report back in September.

Fees for Senior Programs: The Committee felt that more discussion is needed on this matter. Bill Weisgerber suggested that the Committee preview senior policy matters previous to public exposure and take a position on such matters.

OLHSA Committee: David Ogg reported that the meetings are very interesting and that they have an upcoming speaker on probate matters.

Health and Wellness Day: Merrill Dixon thanked those who helped out at this event.

New Business:

Committee for Persons with Disabilities: Jo Rhoads attended their last meeting. They discussed the possibility of putting an article in the senior newsletter regarding accessibility of programs. They are also concerned that seniors with disabilities may not be able to participate in programs with fees due to their limited income. Jo will talk to Carla about both of these matters. They also have concerns about the quality of the lawn mowing service for those on the home chore program.

Troy Daze: Most Committee members decided to again offer any help they could for Troy Daze – both for the seniors and for children with disabilities. Marie Hoag will follow up on these matters.

Other:

Nutrition Report: The meeting was adjourned at 12:10 pm

Respectfully submitted,

Jo Rhoads Acting Secretary A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, June 13, 2001, at City Hall in Conference Room C. The meeting was called to order at 3:00 p.m.

PRESENT: Mark Calice

Mark Halsey

Thomas Houghton, Chairman

John M. Lamerato

Anthony Pallotta (arrived 3:05 p.m.) John Szerlag (arrived 3:05 p.m.)

ABSENT: Robert Crawford

MINUTES

Resolution # 01-21

Moved by Halsey Seconded by Calice

RESOLVED, that the minutes of the meeting of May 9, 2001, be approved.

Yeas: All 4

Absent: Crawford, Pallotta, Szerlag

RETIREMENT REQUESTS

Resolution # 01-22

Moved by Halsey Seconded by Lamerato

RESOLVED, that the retirement requests of Ronald A. Barnard, 8-13-01, DC, Public Works, and David G. Drouillard, 9-10-01, DC, Public Works, be approved.

Yeas: All 4

Absent: Crawford, Pallotta, Szerlag

OTHER BUSINESS

John Grant of McDonald Investments reviewed with the Board the March 31, 2001 Investment results.

Resolution # 01-23

Moved by Pallotta Seconded by Lamerato

RESOLVED, that the Board confirm the purchase of Kraft stock at their Public Offering.

Yeas: All 6

Absent: Crawford

Resolution # 01-24

Moved by Pallotta Seconded by Halsey

RESOLVED, that the Board authorize John M. Lamerato to transfer the McDonald Investment account to a firm to be named contingent that the terms, conditions and services remain the same.

Yeas: All 6

Absent: Crawford

INVESTMENTS

Resolution # 01-25

Moved by Szerlag Seconded by Calice

RESOLVED, that the Board purchase the following stocks: 5,000 Pepsi; 5,000 Kraft and 5,000 Corning.

Yeas: All 6

Absent: Crawford

COHEN & STEERS EQUITY INCOME FUND

The Board will review the prospectus of the Cohen & Steers Equity Income Fund at their July meeting.

The next meeting is July 13, 2001 at 3:00 p.m. at City Hall in Conference Room C.

The meeting adjourned at 4:05 p.m.

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PARKS AND RECREATION ADVISORY BOARD

Minutes of June 14, 2001

Present: Orestes Kaltsounis, member

Jeff Stewart, member Robert O'Brien, member Jeff Biegler, staff

Carol Anderson, staff

Larry Jose, member Tom Krent, member Doug Bordas, member Stuart Alderman, staff

Gary Hauff, John Goetz, Kathleen Fejes and Haley Byrd. Absent:

The meeting was called to order at 7:30 pm by Chairman Robert O'Brien.

A motion by Tom Krent, supported by Jeff Stewart, to excuse the absent members.

Ayes: All Nays: None

MOTION CARRIED

Visitor: Tom Berti from Troy Baseball Boosters.

A motion by Doug Bordas, supported by Orestes Kaltsounis, to amend the minutes of May 10, 2001 to include Mr. Kaltsounis' question to the Troy Youth Soccer League representatives whether they have a budget or a detailed report.

> Aves: All Nays: None

MOTION CARRIED

A motion by Doug Bordas, supported by Larry Jose, to approve the minutes of May 10, 2001 as amended.

> Ayes: All Nays: None

MOTION CARRIED

PUBLIC INPUT

Troy Baseball Boosters – Mr. Berti has been on the Board of Troy Baseball Boosters for two years. TBB is an all volunteer organization with 1100 players this year and he is interested in improving the facilities. He expressed interest in being involved in the development of a facility just for 9-12 year olds. He would like to present ideas and have some input in the improvement of facilities also. Would like to see uniformity in the length between bases and pitchers mounds. Mr. Alderman mentioned that the department has replaced 46 players benches with cement pads at the schools, new bleachers with cement pads and in the future we are looking at putting up protective fencing. This organization does have a budget and they purchase T-shirts and bats with surplus money.

NEW BUSINESS

A. <u>Election of Officers</u> – Jeff Stewart and Orestes Kaltsounis were nominated for the Chairman position. A vote was taken and Jeff Stewart is the Chairman and Orestes Kaltsounis is Vice Chairman for the next year.

OLD BUSINESS

- A. <u>Land Acquisition</u> A closing on the second parcel in Section 22 has been scheduled this month. Unconditional offers on two more parcels will be made in this section. The northern parcel on the John R. property is still in negotiations. Offers on Section 36 property will be proposed as an unconditional offer at the appraised price. Offers on the two parcels at Trombley and Talbot in Section 22 have been made.
- B. Golf Course, Section 1 The contract will be going to City Council for approval. If approved the architects will have 75 days to finalize the design and then construction will begin.

MEMBER COMMENTS

Doug Bordas – Since there will not be a Children's Museum or an IMAX theatre on the Civic Center site he would like to see a ball park for kids.

Tom Krent – Will suggest to City Council to call the Civic Center the "Troy Civic and Cultural Campus." Would like a new form of a downtown district but not an active sports zone. A place to meet and a gathering of minds. Also, that consideration be given to active/passive art and cultural activities.

A motion by Doug Bordas, supported by Tom Krent, that a recommendation to City Council to acquire additional information from citizens and the Parks and Recreation Advisory Board before the Civic Center site is finalized.

Ayes: All Nays: None MOTION CARRIED

A motion by Tom Krent, supported by Larry Jose, that the July and August meetings be suspended unless there is an emergency.

Ayes: All Nays: None MOTION CARRIED

A walking tour of the Community Center construction site followed. The meeting was adjourned at 9:18 p.m.

TROY DAZE MINUTES JUNE 26, 2001

Called to order at 7:34PM by Bob Berk

Present: Bob Berk Cheryl Whitton-Kaszubski

Jim Cyrulewski Bill Hall
Dave Swanson Dick Tharp
Jeff Biegler Bob Matlick

Cindy Stewart

Chairpersons & Guests: Scott Wharff JoAnn Preston

Tom Kaszubski Robert Preston

Dave Buscemi Tom Tighe
Gail Anderson Shirley Darge

Bob Broquet Michael Oleszkowicz

Alison Miller Amy Kirschner Tom Connery Tarcisio Massaini

Motion by Cheryl, second by Dick, and carried to excuse Sue, Eldon, Kessie, and Cele.

Secretary Report – Motion by Cheryl, second by Dick, and carried to approve May minutes as submitted.

New Business – Motion by Jim, second by Cheryl, and carried to appoint Mike Oleszkowicz as co chair of New Car Auto Show, Tom Connery as co chair of the Photo Contest and accept Ray Diaz's resignation because of scheduling conflicts.

Old Business – Update of contracts, still checking on the larger tent, it may be a wash due to cost when comparing one large tent to several smaller tents.

Bob will get a list to Joy with quantity and sizes for shirts and he is working on the pony rides.

Bob Broquet will keep same price for sound, so P.O. can be entered now. Jeff is waiting for quotes on stage, carts, porta johns, trailers, and lights.

Mission Statement meeting with City Council – Have not met with City Council as yet. We hope to meet some time in July so the statement can be incorporated with the 2001 Festival information in programs, flyers, and City of Troy web site.

Adjourned at 7:47PM.

Next Troy Daze Advisory Committee meeting, Tuesday, July 24, 2001, at 7:30PM to be followed by Festival Committee Meeting.

DRAFT Meeting Minutes

A meeting of the Downtown Development Authority was held on Thursday, June 28, 2001, in the Lower Level Conference Room of Troy City Hall, Troy, Michigan. The meeting was called to order at 5:00 p.m.

PRESENT: Garry G. Carley (Arrived @ 5:10 p.m. – Departed @ 6:30 p.m.)

Michael Culpepper

Stuart Frankel (Departed @ 6:15 p.m.)

Philip Goy William Kennis Alan M. Kiriluk

Daniel MacLeish (Departed @ 5:45 p.m.)

Clarke Maxson Carol Price

Douglas Schroeder G. Thomas York

ABSENT: Matt Pryor

Ernest Reschke

ALSO PRESENT: John Szerlag

John Lamerato Doug Smith

Lori Grigg Bluhm Robert C. Bendzinski Michael Gormely Linda E. Bloch

APPROVAL OF MINUTES

Resolution 01-16 Moved by: MacLeish Seconded by: Goy

RESOLVED, that the minutes of the May 16, 2001 regular meeting be approved.

Yeas: All (10)

Absent: Carley, Pryor, Reschke

CLOSED SESSION

Resolution 01-17 Moved by: Maxson Seconded by: Kennis

RESOLVED, that the Board shall meet in closed session as permitted by State Statue MCLA 15.268 Section (d).

Yeas: All (10)

Absent: Carley, Pryor, Reschke

NEW BUSINESS

A. Resolution amending the resolution authorizing the issuance of not to exceed \$24,000,000 Development and Refunding Bonds, Series 2001.

Resolution 01-18 Moved by: Maxson Seconded by: Kennis

RESOLVED, that the Board amend the resolution authorizing the issuance of not to exceed \$24,000,000 Development and Refunding Bonds, Series 2001, a copy of which shall be attached to the original minutes of this meeting.

Yeas: All (8)

Absent: Carley, Frankel, MacLeish, Pryor, Reschke

B. Resolution approving the sale of not to exceed \$24,000,000 Development and Refunding Bonds, Series 2001.

Resolution 01-19 Moved by: Maxson Seconded by: Kennis

RESOLVED, that the Board approve the sale of not to exceed \$24,000,000 Development and Refunding Bonds, a copy of which shall be attached to the original minutes of this meeting.

Yeas: All (8)

Absent: Carley, Frankel, MacLeish, Pryor, Reschke

EXCUSE ABSENT MEMBERS

Resolution 01		
Moved by: Go	•	
Seconded by:	York	
RESOLVED,	that absent members Pryor and	d Reschke be excused.
Yeas:	All (8)	
Absent:	Carley, Frankel, MacLeish, P.	rvor. Reschke
1105011.	carrey, 1 rames, 1 rae 2015m, 1	ij or, reseme
The meeting	was adjourned at 6:35 p.m.	
Next Meeting	July 18, 2001 @ 7:30 a.m.	
		Alan M. Kiriluk, Chairman
		John Lamerato, Secretary/Treasurer

JL/pg

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, July 11, 2001, at City Hall in Conference Room C. The meeting was called to order at 3:00 p.m.

PRESENT: Mark Calice

Robert Crawford Mark Halsey

Thomas Houghton, Chairman

John M. Lamerato Anthony Pallotta John Szerlag

ABSENT: John Lamerato

EXCUSE ABSENT TRUSTEE

Resolution # 01-26

Moved by Pallotta Seconded by Calice

RESOLVED, that John Lamerato be excused.

Yeas: All 6

Absent: Lamerato

MINUTES

Resolution # 01-27

Moved by Pallotta Seconded by Halsey

RESOLVED, that the minutes of the meeting of June 13, 2001, be approved.

Yeas: All 6

Absent: Lamerato

OTHER BUSINESS

Retiree Healthcare Issues

Steve Cooperrider briefly visited with the Board to answer questions.

July 18 Study Session

The location of the Study Session meeting has been changed from Conference Room C to the Lower Level Conference Room at City Hall.

The next meeting is July 18, 2001 at 3:00 p.m. at City Hall in the Lower Level Conference Room.

The meeting adjourned at 4:01 p.m.

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DATE: July 3, 2001

TO: John Szerlag, City Manager

FROM: Mark Stimac, Director of Building & Zoning SUBJECT: Permits issued July 2000 through June 2001

SUBJECT: Permits issued July 2000	through June 2001		
	NO.	VALUATION	PERMIT FEE
INDUSTRIAL			
New	2	\$1,113,000.00	\$10,394.15
Fnd. New	2	\$584,700.00	\$8,314.15
Fnd./Shell New	7	\$10,589,000.00	\$112,099.25
Completion (New)	6	\$2,946,300.00	\$17,553.85
Tenant Completion	2	\$432,000.00	\$3,213.50
Add/Alter	67	\$9,345,791.00	\$64,353.40
Temp. Office Trailer	2	\$900.00	\$130.00
Parking Lot	4	\$361,150.00	\$749.00
Repair	2	\$19,000.00	\$407.00
Sub Total	94	\$25,391,841.00	\$217,214.30
COMMERCIAL			
New	9	\$16,346,000.00	\$142,570.00
Fnd. New	4	\$6,412,000.00	\$78,726.10
Shell New	3	\$13,223,600.00	\$73,884.70
Fnd./Shell New	8	\$15,263,570.00	\$115,272.15
New Less Tenent	7	\$4,053,000.00	\$52,254.95
Completion (New)	6	\$8,957,115.00	\$50,658.95
Completion Less Tenant	3	\$1,052,000.00	\$8,641.00
Tenant Completion	50	\$9,825,923.00	\$66,245.05
Accessory Structure	1	\$2,000,000.00	\$11,555.50
Add/Alter	218	\$20,169,053.00	\$147,462.76
Temp. Office Trailer	3	\$56,000.00	\$620.50
Wreck	6	\$50,000.00	\$1,035.00
Parking Lot	2	\$173,000.00	\$655.00
Repair	1	\$9,531.00	\$240.00
Kiosk	3	\$500.00	\$75.00
Sub Total	324	\$97,591,292.00	\$749,896.66
RESIDENTIAL			
New	139	\$24,054,412.00	\$289,659.30
Add/Alter	393	\$7,720,589.00	\$88,507.00
Garage/Acc. Structure	72	\$625,717.00	\$10,100.00
Pool/Spa/Hot Tub	64	\$720,736.00	\$10,750.00
Ent. Wall/Masonry Fence	3	\$257,000.00	\$1,643.70
Repair	8	\$166,059.00	\$1,985.00
Fire Repair	6	\$515,387.00	\$3,647.50
Temporary Sales Trailer	3	\$19,500.00	\$440.00
Wreck	37	\$150.00	\$4,840.00
Fnd./Slab/Rat Wall	5	\$18,000.00	\$535.00
Fnd./Slab/Footing	8	\$17,450.00	\$530.00

<u>.</u>			
Sub Total	738	\$34,115,000.00	\$412,637.50

TOWN HOUSE/CONDO			
New	36	\$4,919,955.00	\$48,185.25
Sub Total	36	\$4,919,955.00	\$48,185.25
MULTIPLE			
Add/Alter	1	\$20,400.00	\$295.00
Garage/Acc. Structure	5	\$33,280.00	\$625.00
Repair	5	\$16,000.00	\$400.00
Wreck	1	\$0.00	\$175.00
Sub Total	12	\$69,680.00	\$1,495.00
INSTITUTIONAL/HOSPITAL			
New	1	\$34,650,000.00	\$236,043.00
Completion	1	\$6,390,000.00	\$35,634.00
Add/Alter	25	\$3,388,319.00	\$20,520.30
Sub Total	27	\$44,428,319.00	\$292,197.30
MUNICIPAL			
New	3	\$9,282,400.00	\$0.00
Add/Alter	1	\$39,011.00	\$0.00
Sub Total	4	\$9,321,411.00	\$0.00
RELIGIOUS	4	Ф0 7 00 000 00	Φ40.770.00
New Add/Alter	1	\$2,700,000.00	\$16,773.00
	7	\$11,887,200.00	\$63,104.25
Wreck	1	\$0.00	\$175.00
Wall	1	\$0.00	\$25.00
Sub Total	10	\$14,587,200.00	\$80,077.25
MISCELLANEOUS			
Satellite/Antennas	17	\$288,794.00	\$3,901.00
Signs	511	\$0.00	\$54,919.00
Fences	173	\$0.00	\$1,448.00
Sub Total	701	\$288,794.00	\$60,268.00
TOTAL	1946	\$230,713,492.00	\$1,861,971.26

PERMITS ISSUED JULY 2000 THROUGH JUNE 2001	PERMITS ISSUED	JULY 2000 T	HROUGH JUNE 2001
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	NO.	PERMIT FEE
Mul. Dwel. Insp.	336	\$3,360.00
Cert. of Occupancy	511	\$56,065.75
Plan Review	1092	\$66,073.20
Microfilm	439	\$6,102.00
Building Permits	1579	\$1,831,265.26
Electrical Permits	2066	\$163,643.00
Heating Permits	1566	\$95,495.00
Air Condt. Permits	644	\$39,305.00
Refrigeration Permits	16	\$1,710.00
Plumbing Permits	1253	\$100,802.00
Storm Sewer Permits	209	\$14,877.00
Sanitary Sewer Permits	168	\$6,924.00
Sewer Taps	259	\$243,345.00

TOTAL 10138 \$2,628,967.21

LICENSES & REGISTRATIONS ISSUED JULY 2000 THROUGH JUNE 2001

	NO.	LICENSE FEE
Mech. ContrReg.	417	\$2,065.00
Elec. ContrLic	39	\$1,950.00
Elec. Master-Lic.	55	\$1,375.00
Elec. JourLic.	67	\$670.00
Elec. AppLic.	16	\$160.00
Elec. ContrReg.	353	\$5,010.00
Master PlmbReg.	226	\$225.00
Ref. JourLic.	9	\$90.00
Sewer InstReg.	48	\$2,350.00
Sign Inst Reg.	73	\$730.00
E. Sign SpecLic.	2	\$50.00
E. Sign Contr-Reg.	27	\$405.00
Fence InstReg.	22	\$220.00
Bldg. ContrReg.	208	\$2,080.00
F.Alarm ContrLic.	8	\$300.00
F.Alarm TechLic.	3	\$50.00
F.Alarm ContrReg.	43	\$540.00

TOTAL 1616 \$18,270.00

DATE: July 3, 2001

TO: John Szerlag, City Manager

FROM: Mark Stimac, Director of Building & Zoning SUBJECT: Permits issued January through June 2001

SUBJECT: Permits issued Ja	anuary through June 2001		
	NO.	VALUATION	PERMIT FEE
INDUSTRIAL			
Fnd. New	2	\$584,700.00	\$8,314.15
Fnd./Shell New	5	\$8,165,000.00	\$88,462.75
Completion (New)	5	\$2,706,300.00	\$16,075.35
Tenant Completion	1	\$400,000.00	\$2,364.50
Parking Lot	1	\$6,150.00	\$196.00
Repair	1	\$10,000.00	\$211.00
Sub Total	52	\$16,499,220.00	\$146,642.15
COMMERCIAL			
Fnd. New	2	\$1,750,000.00	\$23,727.50
Shell New	1	\$2,200,000.00	\$12,396.50
Fnd./Shell New	1	\$7,700,000.00	\$43,400.50
New Less Tenent	3	\$2,253,000.00	\$26,813.95
Completion (New)	2	\$2,841,900.00	\$16,175.65
Completion Less Tenant	2	\$300,000.00	\$2,378.00
Tenant Completion	25	\$4,932,729.00	\$34,677.25
Add/Alter	100	\$7,542,006.00	\$58,131.85
Temp. Office Trailer	1	\$0.00	\$55.00
Wall		\$0.00	\$0.00
Parking Lot	1	\$48,000.00	\$472.00
Repair	1	\$9,531.00	\$240.00
Fire Repair		\$0.00	\$0.00
Pool		\$0.00	\$0.00
Kiosk	1	\$500.00	\$25.00
Sub Total	145	\$36,627,666.00	\$271,779.70
RESIDENTIAL			
New	64	\$11,496,239.00	\$144,302.10
Add/Alter	194	\$3,806,977.00	\$43,776.00
Garage/Acc. Structure	31	\$180,247.00	\$4,070.00
Pool/Spa/Hot Tub	34	\$326,513.00	\$5,320.00
Ent. Wall/Masonry Fence	2	\$8,000.00	\$190.00
Repair	4	\$44,850.00	\$780.00
Fire Repair	4	\$325,387.00	\$2,377.50
Temporary Sales Trailer	2	\$18,500.00	\$415.00
Wreck	25	\$150.00	\$3,280.00
Fnd./Slab/Rat Wall	2	\$5,000.00	\$145.00
Fnd./Slab/Footing	6	\$13,450.00	\$400.00
Sub Total	368	\$16,225,313.00	\$205,055.60

TOWN HOUSE/CONDO New	27	\$3,722,543.00	\$36,408.60
Sub Total	27	\$3,722,543.00	\$36,408.60
Sub Total	21	\$3, <i>1</i> 22,343.00	\$30,406.00
MULTIPLE			
Garage/Acc. Structure	5	\$33,280.00	\$625.00
Pool/Spa		\$0.00	\$0.00
Ent. Wall/Masonry Fence		\$0.00	\$0.00
Repair	5	\$16,000.00	\$400.00
Sub Total	10	\$49,280.00	\$1,025.00
INSTITUTIONAL/HOSPITAL			
New	1	\$34,650,000.00	\$236,043.00
Completion	1	\$7,724,694.00	\$42,142.50
Add/Alter	17	\$1,155,625.00	\$7,829.80
Sub Total	19	\$43,530,319.00	\$286,015.30
MUNICIPAL			
New	3	\$9,282,400.00	\$0.00
Add/Alter	1	\$39,011.00	\$0.00
Sub Total	4	\$9,321,411.00	\$0.00
RELIGIOUS			
Add/Alter	2	\$6,330,000.00	\$38,995.50
Wreck	1	\$0.00	\$175.00
Sub Total	3	\$6,330,000.00	\$39,170.50
MISCELLANEOUS			
Satellite/Antennas	10	\$207,619.00	\$2,530.00
Signs	236	\$0.00	\$26,300.00
Fences	88	\$0.00	\$732.00
Sub Total	334	\$207,619.00	\$29,562.00
TOTAL	962	\$132,513,371.00	\$1,015,658.85

DEDMITS	ICCLIED	IANIIIADV	THROUGH	ILINE 2004
PERIVITA	IOOUED	JANUART	INKUUGH	JUNE ZUUT

	NO.	PERMIT FEE
Mul. Dwel. Insp.	115	\$1,150.00
Cert. of Occupancy	243	\$32,502.50
Plan Review	569	\$43,775.10
Microfilm	212	\$3,035.00
Building Permits	962	\$1,015,658.85
Electrical Permits	869	\$77,643.00
Heating Permits	629	\$43,790.00
Air Condt. Permits	234	\$18,170.00
Refrigeration Permits	8	\$995.00
Plumbing Permits	591	\$50,209.00
Storm Sewer Permits	94	\$8,281.00
Sanitary Sewer Permits	72	\$3,187.00
Sewer Taps	137	\$127,510.00

TOTAL 4735 \$1,425,906.45

LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF JANUARY THROUGH JUNE 2001

	NO.	LICENCE FEE
Mech. ContrReg.	161	\$805.00
Elec. ContrLic	22	\$1,100.00
Elec. Master-Lic.	36	\$900.00
Elec. JourLic.	48	\$480.00
Elec. AppLic.	4	\$40.00
Elec. ContrReg.	231	\$3,195.00
Master PlmbReg.	133	\$132.00
Jour. PlmbReg.	0	\$0.00
Ref. JourLic.	7	\$70.00
Sewer InstReg.	32	\$1,550.00
Sign Inst Reg.	43	\$430.00
E. Sign Contr-Lic.	0	\$0.00
E. Sign SpecLic.	2	\$50.00
E. Sign Contr-Reg.	22	\$330.00
Fence InstReg.	13	\$130.00
Bldg. ContrReg.	98	\$980.00
F.Alarm ContrLic.	7	\$250.00
F.Alarm TechLic.	3	\$50.00
F.Alarm ContrReg.	25	\$300.00

TOTAL 887 \$10,792.00

DATE: July 3, 2001

TO: John Szerlag, City Manager

FROM: Mark Stimac, Director of Building & Zoning SUBJECT: Permits issued during the Month of June 2001

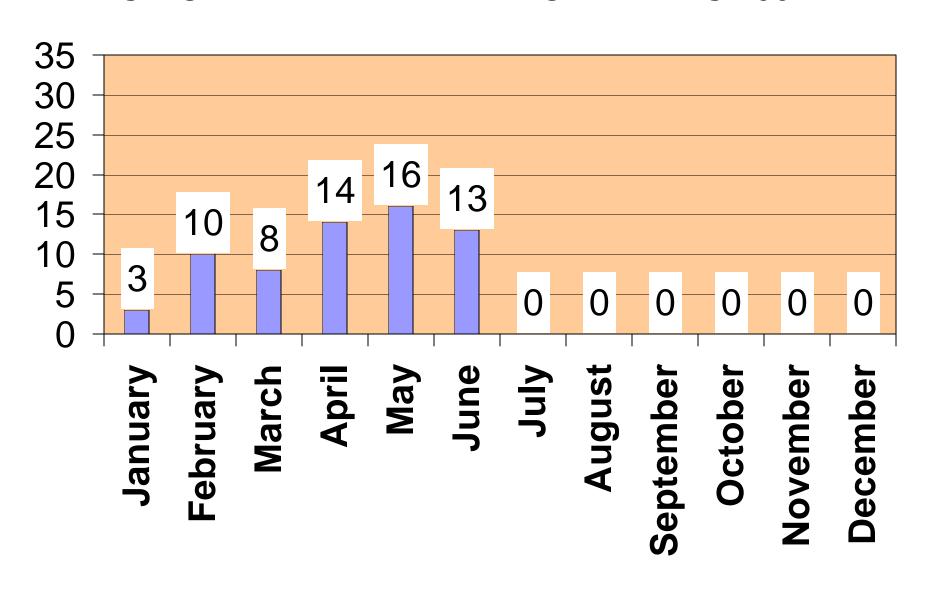
SUBJECT: Permits issued during the	he Month of June 200°	1	
	NO.	VALUATION	PERMIT FEE
INDUSTRIAL			
Fnd./Shell New	2	\$595,000.00	\$5,736.15
Completion (New)	1	\$360,000.00	\$2,143.50
Add/Alter	6	\$452,000.00	\$3,405.25
Sub Total	9	\$1,407,000.00	\$11,284.90
COMMERCIAL			
New	1	\$850,000.00	\$5,641.00
Shell New	1	\$2,200,000.00	\$12,396.50
Fnd./Shell New	1	\$7,700,000.00	\$43,400.50
Completion Less Tenant	2	\$300,000.00	\$2,378.00
Tenant Completion	9	\$21,500.00	\$1,843.00
Add/Alter	11	\$586,700.00	\$5,814.50
Wreck	2	\$0.00	\$380.00
		·	
Sub Total	27	\$11,658,200.00	\$71,853.50
RESIDENTIAL			
New	13	\$3,221,568.00	\$35,686.20
Add/Alter	54	\$749,529.00	\$9,885.00
Garage/Acc. Structure	8	\$38,120.00	\$875.00
Pool/Spa/Hot Tub	14	\$128,838.00	\$1,905.00
Repair	1	\$17,500.00	\$280.00
Fire Repair	1	\$8,500.00	\$245.00
Wreck	3	\$150.00	\$390.00
Fnd./Slab/Rat Wall	1	\$4,000.00	\$120.00
Fnd./Slab/Footing	4	\$8,700.00	\$240.00
Sub Total	99	\$4,176,905.00	\$49,626.20
		, .,,	*,
TOWN HOUSE/CONDO			
New	4	\$480,000.00	\$4,744.00
Sub Total	4	\$480,000.00	\$4,744.00
<u>MUNICIPAL</u>			
New	1	\$2,320,000.00	\$0.00
Add/Alter	1	\$39,011.00	\$0.00
Sub Total	2	\$2,359,011.00	\$0.00

RELIGIOUS			
Wreck	1	\$0.00	\$175.00
Sub Total	1	\$0.00	\$175.00
MISCELLANEOUS			
Signs	33	\$0.00	\$3,565.00
Fences	21	\$0.00	\$184.00
Sub Total	54	\$0.00	\$3,749.00
TOTAL	196	\$20,081,116.00	\$141,432.60
PERMITS ISSUED DURING	3 JUNE 2001		
	NO.		PERMIT FEE
Mul. Dwel. Insp.	33		\$330.00
Cert. of Occupancy	39		\$5,525.51
Plan Review	110		\$7,184.10
Microfilm	27		\$472.00
Building Permits	196		\$141,432.60
Electrical Permits	147		\$12,268.00
Heating Permits	108		\$7,240.00
Air Condt. Permits	50		\$3,075.00
Plumbing Permits	111		\$7,601.00
Storm Sewer Permits	15		\$2,291.00
Sanitary Sewer Permits	10		\$433.00
Sewer Taps	32		\$9,760.00
TOTAL	878		\$197,612.21
LICENSES & REGISTRATI	ONS ISSUED DURING JU	INE 2001	
	NO.		LICENSE FEE
Mech. ContrReg.	25		\$125.00
Elec. ContrReg.	21		\$315.00
Master PlmbReg.	37		\$37.00
Sewer InstReg.	7		\$300.00
Sign Inst Reg.	8		\$80.00
E. Sign Contr-Reg.	6		\$90.00
Fence InstReg.	4		\$40.00
Bldg. ContrReg.	37		\$370.00
F.Alarm ContrLic.	2		\$100.00
F.Alarm ContrReg.	4		\$30.00
TOTAL	151		\$1,487.00

BUILDING PERMITS ISSUED

	BUILDING PERMITS 2000	PERMIT VALUATION 2000	BUILDING PERMITS 2001	PERMIT VALUATION 2001
JANUARY	127	\$9,597,140	119	\$9,498,180
FEBRUARY	110	\$18,640,569	100	\$49,679,118
MARCH	191	\$20,582,303	136	\$6,942,449
APRIL	190	\$8,338,850	204	\$19,831,458
MAY	236	\$46,004,432	207	\$26,481,050
JUNE	248	\$23,437,116	196	\$20,081,116
JULY	171	\$10,035,286	0	\$0
AUGUST	222	\$15,738,038	0	\$0
SEPTEMBE	₹ 159	\$20,948,232	0	\$0
OCTOBER	165	\$18,737,731	0	\$0
NOVEMBER	168	\$19,909,483	0	\$0
DECEMBER	99	\$12,831,351	0	\$0
TOTAL	2086	\$224,800,531	962	\$132,513,371

SINGLE FAMILY DWELLING PERMITS 2001



Printed: Jul 16, 2001

BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS ISSUED DURING THE MONTH OF JUNE 2001

Page: 1

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter Commercial, Add/Alter Total Commercial, Add/Alter	JOHN ROUDEBUSH JRM ENTERPRISES, INC.	3100 W BIG BEAVER 2855 W MAPLE	130,000.00 220,000.00 350,000.00
Commercial, Compl. less Tenant Total Commercial, Compl. less Ten	CLARK CONSTRUCTION COMPANY ant	1205 COOLIDGE	200,000.00
Commercial, Fnd/Shell New Total Commercial, Fnd/Shell New	SYNERGY GROUP, INC.	1450 E MAPLE	7,700,000.00 7,700,000.00
Commercial, New Building Total Commercial, New Building	NEXT PROPERTIES INC. OF MI	3651 ROCHESTER	850,000.00 850,000.00
Commercial, Shell New Total Commercial, Shell New	DON VERCRUYSSE	1820 E BIG BEAVER	2,200,000.00 2,200,000.00
Industrial, Add/Alter Total Industrial, Add/Alter	KEVIN JOHNSTON	945 STEPHENSON	200,000.00 200,000.00
Industrial, Completion New Total Industrial, Completion New	REB CONSTRUCTION SERVICES INC	1460 COMBERMERE	360,000.00 360,000.00
Industrial, Fnd./Shell New Industrial, Fnd./Shell New Total Industrial, Fnd./Shell New	THE A M E GROUP INC. THE A M E GROUP INC.	1843 MAPLELAWN 1835 MAPLELAWN	227,500.00 367,500.00 595,000.00
Municipal, New Construction Total Municipal, New Construction	DON VERCRUYSSE	4850 JOHN R	2,320,000.00 2,320,000.00
Records 12		Total Valuation	14,775,000.00



425 N. Main Street / Clawson, Michigan 48017 FAX (248) 435-0515 (248) 435-4500

CM 07-142-01

CONSIDERATION OF THE RESOLUTION IN OPPOSITION TO THE LEGALIZATION OF MARIJUANA AND OTHER CLASS ONE

DRUGS

MOTION BY:

Councilman Palmer

SUPPORTED BY: Councilman Gunn

WHEREAS, the major purpose of government is to provide for the Health, Safety and Welfare of the citizens it serves: and

WHEREAS, promoting and maintaining a healthy drug-free community is in keeping with that purpose; and

WHEREAS, the marijuana plant contains more than 400 chemicals, including the mind-altering chemical THC (delta-9-tetrahydrocannabinol); and

WHEREAS, research shows that smoking marijuana has numerous negative effects on the user including cognitive impairments of learning, memory, perception, problem-solving, coordination, motor skill, and judgment; and

WHEREAS, long-term marijuana use results in changes to the brain common to heroin and cocaine abuse; and

WHEREAS, the possession or use of marijuana is against federal law; and

WHEREAS, marijuana is a controlled Schedule 1 substance and federal law prohibits physicians from prescribing the smoking or ingestion of the marijuana plant for medical reasons; and

WHEREAS, there are safe and effective medicines that can help control and lessen symptoms of persistent nausea, vomiting, wasting syndrome, or loss of appetite from acquired immune deficiency syndrome, chemotherapy, or radiation treatment, as well as medications available for multiple sclerosis, glaucoma, epilepsy, and other medical conditions; and

WHEREAS, marijuana legalization efforts in states across the nation have shifted from authorizing marijuana use for supposed medical reasons to attempts to legalize the cultivation, use, and possession of marijuana for adult personal recreational use; and

WHEREAS, community youth emulate and model the behavior of adults; and

POLICE & FIRE (248) 435-5000 Fax (248) 435-4847

PUBLIC WORKS (248) 288-3222 Fax (248) 288-3973

RECREATION (248) 589-0334 Fax (248) 588-5013

LIBRARY (248) 588-5500 Fax (248) 588-3114 WHEREAS, drug use statistics document that when teen perception of risk decreases, teen use of marijuana increases.

NOW, THEREFORE, BE IT RESOLVED, that the Clawson City Council affirms its opposition to any attempt to legalize the cultivation, use, or possession of marijuana in the State of Michigan; and

BE IT FURTHER RESOLVED that the Clawson City Council opposes any actions that would increase the availability and accessibility of marijuana to the youth of its community.

AYES:

Gunn, Horton, Iseppi and Palmer

NAYS:

None

ABSTAINED:

None

ABSENT:

Schmidt

MOTION CARRIED:

STATE OF MICHIGAN

COUNTY OF OAKLAND

I DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE COPY OF A RESOLUTION MADE, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF CLAWSON AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS, 425 N. MAIN STREET, CLAWSON, MICHIGAN ON MONDAY, JULY 2, 2001 AT 7:30 P.M.

CAROL KANIRIE, CITY CLERK

Gary A Shripka

From:

William R Need

Sent:

Tuesday, May 08, 2001 10:10 AM

To: Subject: Gary A Shripka FW: Thank you!

----Original Message----

From: Martinlike@aol.com [mailto:Martinlike@aol.com]

Sent: Tuesday, May 08, 2001 9:46 AM

To: needwr@ci.troy.mi.us

Subject: Thank you!

I just looked out the window and saw a streetsweeper down English Dr. and I wanted to let you know how much I appreciate it. Thank you so much for your attention to my concerns. It is refreshing to have a city director that is so responsive to citizens' concerns. You have an extrememely important and busy job and you still made time for my problem.

I will be writing a letter to the mayor, city manager and council president on your behalf to express my gratitude for such a great public servant.

Sincerely,

Cathleen Martin

United States District Court For the Eastern District of Michigan Cheodore Levin United States Courthouse 231 West Lafayette Plud. Room 851 Detroit, Michigan 48226 (313) 234-5125

CHAMBERS OF JOHN FEIKENS DISTRICT JUDGE

July 6, 2001

William Need, Director City of Troy Dept. of Public Works 500 W. Big Beaver Rd. Troy, MI 48084

Dear Director Need:

I have before me your city's water quality information brochure. This is a most helpful piece of public information, and I compliment you on it.

Sincerely yours,

John Feikens

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A Control of the Cont

United States District Judge

Jos Ferlier

Dear Bell -Last week I had occasion to call your department - and they were most helpful, Someone had left huge hunks of Concrete on the easement at the side of my property. too heavy for me to move and since I will soon need to sell my home - they didn't add to its attraction, The city (your dept.)

Sent some men to pick it Such es-aperation makes Troy a good place to live, But the Peace Forden nice? Ron is doing a good Joh of planting - slowly, but surely. I like the way he put in the new planting. The best to you -Sincerely, Margaret Gaffney

AMERICAN-ROMANIAN CULTURAL CENTER 1850 E. SQUARE LAKE ROAD TROY, MI 48098

June 25, 2001

Troy City Council 500 W. Big Beaver Rd. Troy, MI 48084

We would like to take the opportunity to thank Troy City Council for the recent events you invited us to be part of. We believe that both, "lon Pandele Exhibit" and "Romanians in Troy" events were very interesting and important not only for the Romanian-American community, but for the people of Troy who had the opportunity of learning more about other nationalities who live in this city.

We are truly hoping that we can work together in the future and collaborate with Troy Public Library and Troy City Council on all cultural programs, either for children, adults or Multi-Cultural activities.

Also, we would like to thank Mrs. Maria Hunciag for her continuous efforts in organizing special events with a great cultural impact for all nationalities that live in Troy. We are proud to have such a prominent representative of the Romanian-American community part of your organization and cultural programs.

Please accept our gratitude and willing to work closely with you in the future in organizing these types of events.

Thank you,

American-Romanian Cultural Center Executive Committee through

Gabriela Ban Director

RECEIVED

JUL 1 3 2001

CITY OF TROY
OF A 1997 OF ANAGER'S OFFICE

July 16, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

William S. Nelson. Fire Chief

David J. Roberts, Assistant Fire Chief

SUBJECT: Proposed Modifications to Troy City Code Chapter 93, Fire Prevention

RECOMMENDATION

To revise Chapter 93 of the Troy City Code to adopt the 2000 International Fire Code with amendments. Approving this document will provide the means of uniform inspection methods and code enforcement efforts of both the fire and building departments.

BACKGROUND

The existing Chapter 93 currently adopts the 1993 edition of the BOCA National Fire Prevention Code with amendments and was last updated in 1998 when the open burning section of the ordinance was modified.

The IFC reflects the successful effort by the International Code Council to create a national fire prevention code throughout the United States. It is designed as a companion code to the International Building Code, which will become effective July 31 throughout Michigan.

Many of the amendments already exist in the current edition of Chapter 93. Therefore, these existing amendments are not changes to Chapter 93. per se. but are modifications to the 2000 IFC document and are incorporated to correspond with the IFC's numbering sequence for ease of reference. Some existing modifications, however, have been updated and are so indicated.

Both existing modifications and new changes to the IFC text are indicated by underline print while deletions are indicated with strike-through print. Notations indicating new changes or existing modifications are indicated in italics before each proposed code section.

Fees for permits issued for fire protection systems are proposed to be increased 15%. reflecting a modest 3% per vear increase since the fees were first introduced in 1996. By comparison, these fees are still far below at least two other independent consulting organizations and are intended to help offset staff time costs.

The proposed amendments have been made based on fire department experience with the safety and welfare of the community in mind, as well as the safe and efficient operation of the fire department.

<u>SUPPLEMENTAL</u>

Enclosed you will find a copy of the International Fire Code on compact disk (CD) format for reference when reviewing the proposed modifications. Installation instructions are included. If you experience any difficulties, please contact the Information Technology Department (IT) for assistance.

If you have any questions or require any additional explanation regarding the proposed ordinance modification, please contact the Fire Department.

I. Fire Department

- A. <u>Fire Department Responsibility.</u> The Troy Fire Department shall be responsible for fire prevention inspection activities and code enforcement of buildings and occupancies as it relates to the risk of fire or explosion within the City of Troy. The method and frequency shall be determined by the fire official or his duly authorized representative.
- B. Authority at Fires and Other Emergencies. The fire official or his duly authorized representatives, as may be in charge at the scene of a fire or other emergency involving the protection of life and/or property, is empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fire, emergency, or other condition or situation, or of taking any other action necessary in the reasonable performance of their duty. The fire official may prohibit any person, vehicle, or object from approaching the scene and may remove or cause to be removed from the scene any person, vehicle or object which may impede or interfere with the operations of the fire department. The fire official may remove or cause to be removed any person, vehicle or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not re-enter the area until authorized to do so by the fire official.
- C. Interference with Fire Department Operations. It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of, or block the path of travel of any fire department emergency vehicle in any way, or to interfere with, attempt to interfere, conspire to interfere with, obstruct or hamper any fire department operation.
- D. <u>Compliance with Orders</u>. A person shall not willfully fail or refuse to comply with any lawful order or direction of the fire official or to interfere with the compliance attempts of another individual.
- E. <u>Vehicles Crossing Fire Hose</u>. A vehicle shall not be driven or propelled over any unprotected fire hose of the fire department when laid down on any street, alley-way, private drive or any other vehicular roadway without the consent of the fire official in command of said operation.
- F. Unlawful Boarding or Tampering with Fire Department Emergency Equipment. A person shall not, without proper authorization from the fire official in charge of said fire department emergency equipment, cling to, attach to, climb upon or into, board, or swing upon any fire department emergency vehicle, whether the same is in motion or at rest, operate any emergency warning equipment, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protective clothing on, or a part of, any fire department emergency vehicle.

(2-2-98) 93-1

- G. <u>Damage/Injury To Fire Department Equipment/Personnel</u>. It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface, any fire-department emergency vehicle or equipment at any time; or to injure, or attempt or conspire to injure, fire department personnel while performing departmental duties.
- H. Cost Recovery Hazardous Materials. The fire department may recover all costs for use of equipment, personnel, and supplies associated with incidents involving hazardous materials resulting from accidents, fires, spills, leaks, or release of product. Such costs shall include but are not limited to those associated with incident abatement, mitigation, and clean up; extinguishment; and stand-by including any related third party costs. Such costs shall be the responsibility of the owner, operator or agent of the building, property, equipment, vehicle, or container causing or contributing to a hazardous condition, fire, or dangerous situation.
- <u>Cost Recovery Fires.</u> The fire department may recover all costs for use of equipment, personnel, and supplies associated with fire extinguishment when it is determined that such fire extinguishment was necessitated by a person's proven intentional disregard for the safety of persons or property, violation of law, or recklessness.

(Rev. 5-4-98)

- I. <u>False Alarms</u>. It shall be unlawful for any person to summon, in any way, the firedepartment unless a valid reason for their response is present.
- J. Open Buildings Due to Fire. The fire official or his duly authorized representative is empowered to order the securing of fire damaged buildings. If the owner of the affected building is present, this order shall be given to him/her. If no owner or representative of the building is present, the fire official or his duly authorized representative may have the building secured. The expense of this securing shall be a debt to the City from the responsible owner and shall be collected as any other debt to the City.
- K. <u>Site Plan.</u> The fire official or his duly authorized representative shall be provided with a site plan(s) or drawing(s) of a building or premise upon request in a format agreed upon.

II Fire Protection Equipment

A. Maintenance of Fire Protection Equipment. A person shall not obstruct, remove, tamper with or otherwise disturb a fire protection appliance required to be installed or maintained under the provisions of the Fire Prevention Code except for the purposes of extinguishing fire; or for training, testing, recharging, or making necessary repairs; or when permitted by the fire official. Defective and non-approved fire appliances or equipment shall be replaced or repaired as directed by the fire official.

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B. <u>Blocking Fire Hydrants and Fire Department Connections</u>. It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or fire department connection intended for the pressurization of fire suppression systems including fire hydrants and fire department connections that

are located on public or private streets and access lanes or on private property. No obstruction shall be placed or constructed within fifteen (15) feet of any fire hydrant, public or private.

If upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments are not removed, the fire official shall proceed to remove or have removed the same. The expense incurred shall be a debt to the City from the responsible person and shall be collected as any other debt to the City.

- C. <u>Fire Hydrant Protection</u>. Fire hydrants located in vehicular traffic areas shall be protected against vehicle damage by the installation of guard posts. These posts shall be installed in accordance with the City of Troy Development Standards requirements for water mains. It shall be the property owner's responsibility to provide and maintain this protection.
- D. <u>Fire Hydrant Use Approval</u>. A person shall not use or operate any fire hydrant unless such person first secures a permit for such use from the City of Troy Water Department. This section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the City of Troy.
- E. <u>Fire Hydrant Location.</u> Fire hydrants shall be located as described in the City of Troy Development Standards and as approved by the fire official for the safe and efficient use of the fire department.
- F. <u>Activation of Fire Protective Signaling Systems</u>. A person shall not activate or cause to be activated any fire protective signaling system in any building or premise within the City of Troy unless a valid fire emergency exists within that building or premise. A fire protective signaling system is any system which upon activation warns the occupants of the building or premise that a fire emergency exists or causes the fire department to be summoned.

III. Hazardous Materials

A. Fire Department Responsibility. The Troy Fire Department shall be responsible forgathering and organizing information, identifying risks, and enforcing codes, standards, and laws relating to the production, storage and use of hazardous materials within the City of Troy and the notification to fire fighting personnel of related hazards. The method and frequency shall be determined by the fire official or his duly authorized representative.

(2-2-98) 93-3

B. <u>Reportable Quantities</u>: Reportable quantities shall be considered the maximum amount of hazardous material on site at any given time. This amount is required to be reported to the fire department as indicated below. (Example: If a process uses one drum per month of material but that material is ordered at ten drums each time,

then the maximum quantity would be the total amount contained in the ten drums.)

Reportable Quantities of Hazardous Materials (Quantities equal to or greater than listed)

MATERIAL	<u>AMOUNT</u>
AEROSOLS LEVEL 2 OR 3	500 LBS
AEROSOLS LEVEL 2 OR 3 ANHYDROUS AMMONIA	ANY OHANTITY
AMMONIUM NITRATE	
CARCINOGENS	
COMBINATION FLAMMABLE LIQUIDS	
COMBUSTIBLE LIQUIDS:	TZO GAL.
CLASS II	120 GAL
CLASS III-A	330 CAL
CLASS III-B COMBUSTIBLE DUST	11D DED 1000 CH ET
COMBUSTIBLE FIBER (Loose)	100 CU ET
COMPLICATION F. FIDER (LOOSE)	100 CU FT
COMBUSTIBLE FIBER (Baled)	
CORROSIVE GAS CORROSIVE LIQUIDS	
CORROSIVE SOLIDS	-500 LBS.
CRYOGENIC LIQUID (FLAMMABLE)	<u> 45 GAL.</u>
CRYOGENIC LIQUID (NONFLAMMABLE)	- 500 GAL.
EXPLOSIVE & BLASTING AGENTS:	
(Not including Class "C" explosive)	ANY QUANTITY
FLAMMABLE GAS	- 750 CU. FT.
LIQUIFIED NATURAL GAS	30 GAL. Water Capacity
LIQUIFIED PETROLEUM GAS	
NON-FLAMMABLE GAS	100 GAL. Water Capacity
FLAMMABLE LIQUIDS:	
CLASS 1-A	
CLASS 1-B	-60 GAL.
CLASS 1-C	90 GAL.
FLAMMABLE SOLID	- 125 LBS.
IRRITATING MATERIAL (Gas)	810 CU. FT.
IRRITATING MATERIAL (Liquid)	500 GAL
IRRITATING MATERIAL (Solid)	-500 LBS.
IRRITATING MATERIAL (Solid) NITROMETHANE (Unstable Materials)	ANY QUANTITY
ORGANIC PEROXIDES:	
— CLASS 1	-5 LBS.
— CLASS 2	
— CLASS 3	
OTHER HEALTH HAZARDS	
	•
	810 CU. FT.
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OXIDIZING MATERIAL (Gas)	1 500 CH FT
OXIDIZING MATERIAL (Gas) OXIDIZING MATERIAL (Liquid)	15 CAL
OXIDIZING MATERIAL:	- IO GAL.
CLASS 1	1 000 LBS
CLASS 2	
CLASS 3	- IU LB∂.

CLASS 4	ANY QUANTITY
POISON	-500 LBS.
POISON "A"	ANY QUANTITY
POISON "B"	ANY QUANTITY
POISON GAS	ANY QUANTITY
POWDER SMOKELESS	20 LBS.
POWDER BLACK SPORTING	
PYROPHORIC	4 LBS.
	50 CU. FT.
RADIOACTIVE	ANY QUANTITY
SENSITIZERS	-500 GAL.
	810 CU. FT.
SPONTANEOUSLY COMBUSTIBLE MATERIAL	-100 LBS.
TOXIC MATERIAL	-50 GAL.
	-500 LBS.
	810 CU. FT.
HIGHLY TOXIC MATERIAL	ANY QUANTITY LIQUID
	-1 LB.
	20 CU. FT.
UNSTABLE (REACTIVE) MATERIAL:	
CLASS 1	125 LBS.; 750 CU. FT.
CLASS 2	
CLASS 3	5 LBS.; 50 CU. FT.
CLASS 4	ANY QUANTITY
WATER REACTIVE MATERIAL:	
CLASS 2	-50 LBS.
CLASS 3	<u>5 LBS.</u>

IV. Fire Prevention Code

A. Adoption of the BOCA National Fire Prevention Code/1993 by Reference. Pursuant to the provisions of Section 3 (k) of Act 279 of the Public Acts of 1909, State of Michigan, as amended, the BOCA National Fire Prevention Code/1993 edition as promulgated by the Building Officials and Code Administrators International, Inc., is hereby adopted by reference by the City of Troy for the purpose of safeguarding lives and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices or occupancy of buildings or premises. In the event of conflict between the provisions of the said Fire Prevention Code and the provisions of this chapter, the provisions which establish the higher standard for the promotion of the safety and welfare of the public and the protection of the public shall apply.

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- B. <u>Code on File</u>. Complete printed copies of the BOCA National Fire Prevention Code/1993 edition herein adopted are available for public use and inspection at the office of the City Clerk.
- C. Violation of Code. Violation of this code shall be considered a misdemeanor.
- D. <u>Changes in Code</u>. The following sections and subsections of the BOCA National Fire Prevention Code are hereby amended or deleted as set forth and additional sections

F-113.4.1

Deleted

and subsections are added as indicated. Subsequent section numbers used in this chapter shall refer to the like numbered sections of the BOCA National Fire Prevention Code/1993.

Title: These regulations shall be known as the Fire Prevention Code of the City of Troy hereinafter referred to as "this code." Scope: These regulations prescribe the minimum requirements and controls to safeguard life, property or public welfare from the hazards of fire and explosion arising from the storage, handling or use of substances, materials or devicesand from conditions hazardous to life, property or public welfare in the occupancy of both new and existing structures or premises. F-102.2 Referenced Standards: The standards referenced in this code and listed in Chapter 44 shall be considered part of the requirements of this code to the prescribed extent of each reference. Where differences occur between the provisions of this codeand referenced standards, the provisions which establish the higher standard for the promotion of the safety and welfare of the public and the protection of the public shallapply. F-105.1 Code Official: It shall be the duty and responsibility of the Chief of the Troy Fire Department or his duly authorized representative, to enforce the provisions of this code. Code Official and Fire Official may be used interchangeably in this code. F-112.2 Failure to correct violations: If the notice of violation is not complied withwithin the time specified by the code official, the code official or the legal counsel of the jurisdiction shall institute the appropriate legal proceedings to restrain, correct or abatesuch violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of any order or direction made pursuant thereto. The police department of the jurisdiction shall be requested by the code official to make arrests for any offense against this code or orders of the codeofficial affecting the immediate safety of the public. F-113.2 Deleted (2-2-98)93-6 F-113.2.0 Appeals: Appeals to the board may be taken by a person aggrieved by any decision or interpretation of the code official made under the provisions of this code. The board of appeals for this code shall be the Building Code Board of Appeals asestablished in Section 121 of Chapter 79 of the Troy City Code. F-113.3 Deleted F-113.4 Deleted

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F-113.6.1 Deleted

F-113.6.2 Deleted

F-113.7 Deleted

SECTION F-202.0 GENERAL DEFINITIONS

<u>Permit</u>: Written permission with a fee(s) assessed for the usage, storage, or production of hazardous materials; fireworks; or the review and inspection of the installation of fire protection equipment as defined in Chapter 93 of the Troy City Code.

F-308.4 <u>Clearance:</u> Clearance of not less than 36 inches (914.4 mm) shall be provided between combustible storage and chimneys and heating appliances.

F-310.6.1 <u>Circuit protection devices</u>: <u>Electrical box covers</u>, <u>switch panels and other protective devices shall be maintained in place unless the circuit is actually being worked on.</u>

F-311.1 <u>Designation</u>: The code official shall require and designate public or private fire lanes as deemed necessary for the efficient and effective operation of fire apparatus. Fire lanes shall have a minimum width of 18 feet (5486 mm) and a minimum height of 14 feet (4267 mm).

Fire Department Access: Fire department access shall be provided and maintained to all structures undergoing construction, alteration or demolition. Fire department access roadways shall be of an approved surface material capable of providing emergency vehicle access and support at all times, and shall be a minimum of 18 feet (5486 mm) in unobstructed width. The access roadways shall provide a minimum turning radii capable of accommodating the largest fire apparatus of the jurisdiction and a minimum vertical clearance of 14 feet (4267 mm).

(2-2-98) 93-7 SECTION F-316.0 FIRE RETARDANT COATINGS

F-316.1 <u>Fire retardant coatings</u>: Fire retardant coatings shall be maintained so as to retain the effectiveness of the treatment under the service conditions encountered in actual use.

SECTION F-317.0 ACCUMULATIONS OF WASTE

F-317.1 <u>General</u>: Accumulations of waste paper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any kind shall not be permitted to remain upon any roof or in any court, yard, vacant lot, alley, parking lot or open space. All weeds, grass, vines or other growth, when same endangers or threatens to endanger

property, or is liable to be fired, shall be cut down and removed by the owner or occupant of the property. All combustible rubbish, oily rags or waste material when keptwithin a building, shall be stored in approved metal containers. Storage shall not produce conditions which in the opinion and judgment of the fire official will tend to create a nuisance or a hazard to the public health, safety or welfare.

SECTION F-318.0 MATERIALS STORAGE

F-318.1 <u>General</u>: The storage of material shall be confined to approved storage areas.

F-318.2 <u>Inside storage</u>: Storage in buildings and structures shall be orderly, shall not be within two feet (610 mm) of the ceiling, and located so as not to obstruct egress-from the building.

F-318.3 <u>Outside storage</u>: The outside storage of combustible or flammable materials shall not be more than 20 feet (6096 mm) in height and shall be orderly. Such storage shall be located as not to constitute a hazard and not less than 15 feet (4572 mm) from any building on the site or from a lot line.

OPEN FLAMES OR BURNING

SECTION F-401.0 GENERAL

F-401.1 Scope: The following provisions shall control open flames, fire and burning on all premises.

SECTION F-402.0 OPEN FLAME OR LIGHT

F-402.1 General: A person shall not take or utilize an open flame or light in any structure, vessel, boat or any other place where highly flammable, combustible or explosive material is utilized or stored. All lighting appliances shall be well-secured in a glass globe and wire mesh cage or a similar approved device.

(2-2-98) 93-8

F-402.2 Heating and lighting apparatus: Heating and lighting apparatus and equipment which is capable of igniting flammable materials of the types stored or handled shall not be utilized in the storage area of any warehouse storing rags, excelsior, hair or other highly flammable or combustible material; nor in the work area of any shop or factory utilized for the manufacture, repair or renovation of mattresses or bedding; nor in the work area of any establishment utilized for the upholstering of furniture.

F-402.3 Candles: A person shall not utilize or allow to be utilized, any open flame, burning candle or candles in connection with any public meeting or gathering for purposes of deliberation, worship, entertainment, amusement, instruction, education, recreation, awaiting transportation or similar purpose in assembly or educational occupancies without first obtaining approval from the fire official.

F-402.3.1 Egress: Candles shall not be permitted in areas where occupants stand, or in an aisle or exit.

SECTION F-403.0 OPEN BURNING

F-403.1 General: A person shall not cause or allow open burning unless approved in accordance with this code.

F-403.2 Definitions: The following words and terms shall have the following meanings:

F-403.2.1 Open burning: The burning of any materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purpose of this definition, a chamber shall be regarded as enclosed, when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

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F-403.2.2 Bonfire: An outdoor fire which burns only seasoned dry firewood or clean untreated lumber intended to minimize the generation of air contaminants and is utilized for occasional special events subject to the following provisions:

- 1. Prior approval of the Troy City Council.
- 2. Compliance with any special restrictions as determined by the fire official.
- 3. Payment of costs associated with special fire protection as determined by the fire official.

Once approved, the intended maximum size and duration of a bonfire shall not be increased unless by City Council and only after it has been determined by the fire official that fire safety requirements of the situation and the desirable duration of burn warrant the increase prior to the bonfire.

F-403.2.3 Ground fire: An outdoor fire for the purpose of viewing or warming, or utilized to cook food for human consumption, or for ceremonial purposes, which burns only

seasoned dry firewood or commercially available charcoal briquettes intended to minimize the generation of air contaminants. Such a fire shall be the minimum size for the intended purpose but not larger than 3 feet by 3 feet by 3 feet in dimension and shall be contained in a safe manner.

F-403.3 Allowable burning: Open burning shall be allowed without prior notification to the fire official for ground fires and short term occupational needs when done in a safe manner so as not to create a hazard or nuisance. Bonfires may be permitted if in compliance with the definition of a bonfire set forth herein. The fuel chosen for allowable burning shall be that described herein and shall minimize the generation of air contaminants.

F-403.4 Burning prohibited: Burning for purposes of incineration of waste material, including paper, leaves, or any other combustible debris, outside of any structure at any place is prohibited.

(8-31-98) 93-8b

F-403.4.1 Authority to prohibit fires which are hazardous or create a nuisance: A fire official or police official may prohibit open burning that creates a hazard or nuisance, even if the open burning is otherwise in compliance with Section F-403.3. A fire official or police official may order the extinguishment of any open burning which is not in compliance with this section.

F-403.5 Location: The location for any open burning shall not be less than 25 feet (15240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 25 feet (15240 mm) of any structure. Fires in approved containers which are being used for their intended purpose shall be allowed closer to a structure but not less than the appliance manufacturer's recommended safe distance. A fire official or police official may order the extinguishment of any open burning which is not in compliance with this section.

F-403.6 Attendance: Any open burning shall be constantly attended by a responsible person until the fire is extinguished. At least one portable fire extinguisher with a minimum 4-A rating, two portable fire extinguishers with a minimum 2-A rating each, or

other approved on-site fire extinguishing equipment, such as a garden hose, shall be available for immediate utilization. A fire official or police official may order the extinguishment of any open burning which is not in compliance with this section.

F-403.7 Fire department training: Open burning is allowed for the purpose of training fire fighters for fire fighting practice, or for the purpose of training the public, including workers or employees, or for the purpose of demonstration by the fire official or other trained fire personnel, when such burning is done in accordance with accepted practice.

(8-31-98) 93-8c SECTION F-404.0 TORCHES FOR REMOVING PAINT

F-404.1 General: Any person utilizing a torch or other flame producing device for removing paint from any structure shall provide at least one portable fire extinguisher with a minimum 4-A rating, two portable fire extinguishers with a minimum 2-A rating each, or a water hose connected to the water supply on the premises where such burning is done. In all cases, the person doing the burning shall remain on the premises 1 hour after the torch or flame-producing device is utilized.

SECTION F-405.0 ASPHALT (TAR) KETTLES

F-405.1 General: Any asphalt (tar) kettle, beneath which is maintained any open fire, heated coals or ashes, shall not be transported or permitted to be transported over any highway, road or street.

Exception: Asphalt (tar) kettles utilized for street repair work shall be permitted to be transported in an open-fire condition provided that the asphalt (tar) kettle unit is towed or moved at a speed not exceeding 20 miles per hour (32 kph) and a safety vehicle, with

flashing, rotating or oscillating warning lights, follows the asphalt (tar) kettle when the open-fired asphalt (tar) kettle is being transported or moved.

F-405.2 Restrictions: Asphalt (tar) kettles shall not be utilized inside or on the roof of any structure. Fired asphalt (tar) kettles shall not be left unattended.

F-405.3 Fire protection: There shall be at least one portable fire extinguisher with a minimum 20-B:C rating within 30 feet (9144 mm) of each asphalt (tar) kettle during the period such kettle is being utilized, and one additional portable fire extinguisher with a minimum 20-B:C rating on the roof being covered. Every kettle shall be equipped with a tight-fitting cover. A kettle, when in operation, shall be placed a safe distance away from any structure or combustible material.

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F-405.4 LPG cylinder protection: Where liquefied petroleum gas (LPG) cylinders or containers are utilized for fueling asphalt (tar) kettles, the LPG cylinder shall be protected against tampering and vandalism.

- 1. When possible, all LPG cylinders and containers shall be placed in a secured area for protection against tampering.
- 2. LPG cylinders or containers which cannot be secured in a protected area shall have the dome covers locked and secured or, if the container does not have a dome cover, the valve handle shall be removed or secured in the "Off" position to prevent unauthorized opening of the LPG cylinders.
- 3. The storage of LPG cylinders on roof tops shall be prohibited.

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F-501.2 Installations: Before any fire alarm, detection or fire suppression system or component is installed, enlarged, extended or modified, a permit shall be obtained from the code official. This shall include auxiliary devices such as magnetic locks, electronic locks, or any device or relay connected to or controlled by the fire alarm, detection or fire suppression system. All work must be performed by a qualified installer who is properly licensed and/or certified to perform such work as determined by the code official. Construction documents shall be reviewed by the code official prior to the issuance of the permit. Upon issuance of the permit, the permit must be posted at the job site in plain view.

F-501.2.2 <u>Permit fees</u>: The following fees shall be charged for fire protection permits:

Note: Fees cover initial plan review and two inspections. Subsequent plan reviews and inspections of the same system are \$30.00

Sprinkler Systems:

Riser(s) & Sprinkler Heads Fee

1-10 heads	\$ 60.00
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11-20 heads	\$ 80.00
21-50 heads	\$ 100.00
51-100 heads	•
101-200 heads	
101-200 neads	→ 200.00
201-300 heads	\$ 260.00
301-400 heads	
401-500 heads	•
	ψ -100.00
500 > heads	\$ 440.00 *

^{*} Plus \$0.50 per head over 500

Standpipes: \$40.00 per standpipe plus \$5.00 per hose connection.

Fire pump: \$80.00

<u>Dry or wet chemical fire suppression systems</u>: \$80.00 per system. Each additional system in the same building reviewed at the same time is \$40.00. Alterations, additions, or modifications to each existing system is \$30.00.

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<u>Total flooding agent extinguishing systems</u>: \$80.00 plus appropriate detection systemfee.

Fire alarm and detection systems:

<u>Item</u>	<u>Fee</u>
Control Panel	\$40.00
First initiating or auxiliary control device (smoke detector, heat	
detector, control switch, etc.)	\$10.00
Each additional initiating or auxiliary control device	\$ 2.00
First audio/visual indicating or communications device (horn,	
speaker, bell, strobe, firefighter phone, etc.)	\$10.00
Each additional audio/visual indicating or communications	•
device	\$ 2.00
	,

<u>Exception</u>: One and two family residential alarm systems must meet the requirements of the Troy Building Department.

F-501.2.3 Additional fees: The following fees may be charged for a reinspection and shall apply to each inspector performing the reinspection:

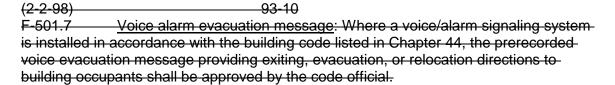
- 1. \$30.00 per reinspection during normal working hours.
- 2. \$45.00 per hour per reinspection during nonworking hours with a minimum assessment of 3 hours.

When work is started without a permit, the permit fee shall be doubled.

F-501.2.4 Permit issuance: A permit granted hereunder shall not be transferable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire official.

F-501.4.1 Test and inspection records: A complete written record of all tests and inspections required under this chapter shall be maintained on the premises by the owner or occupant responsible for said premises. Accurate logs shall be maintained, indicating the number, location, and type of device tested. Any defect, modification or repair shall be logged, and the log shall be available to the code official. A copy of the complete written record of all required tests and inspections shall be forwarded to the code official by the service company or individual performing said work.

F-501.4.4 Alarms and supervisory service: When testing any suppression system, standpipe or fire protective signaling system connected to a central station alarm system or proprietary alarm system, notification shall be given to the central station or the proprietary station and the Troy Police/Fire communications center before the initiation of the test.



F-503.2.2 <u>Outside remote alarm annunciator</u>: When required by the code official, high hazard occupancies equipped with a fire protective signaling system, toxic alarmmonitoring system, or other emergency notification system, shall have a remote annunciator indicating those devices inside the building which would initiate an alarmand/or cause an evacuation. This remote annunciator shall be installed in an accessible exterior location and be capable of being observed from a distance by emergency response personnel.

F-503.3 Fire standpipes: All buildings with occupied floors located more than forty (40) feet (12192 mm) above the lowest level of fire department vehicle access shall be provided with standpipes installed in accordance with the building code listed in Chapter-44. The standpipes shall have an approved fire department connection with hose connections at each floor level.

F-503.6 Mechanical equipment control: Approved smoke or heat detectors shall be installed in return air ducts or plenums in each recirculating air system with a capacity of more than 2,000 cfm (0.94 m3/s) and serving more than one floor in buildings with floors located more than forty (40) feet (12192 mm) above the lowest level of fire department vehicle access in accordance with the mechanical code listed in Chapter 44. Actuation of the detector shall stop the fan or fans automatically and be of the manual-reset type. Automatic fan shutdown is not required where the system is part of an approved smoke control system.

F-503.6.1 Remote annunciation: Where required by the code official, a means of remote annunciation such as a light or other visible indicator shall be installed to indicate the presence and location of detectors.

F-503.6.2 <u>Functional confirmation</u>: Where required by the code official, a means of confirming equipment function such as an atmospheric pressure switch, sail switch, or electrical current differential device, shall be installed to indicate the status of fans, dampers, or other associated equipment during alarm activations or smoke control operations.

F-503.6.3 <u>Mechanical equipment identification:</u> When required by the code official, mechanical equipment such as HVAC units or rooms housing such equipment shall be marked in a conspicuous manner as approved by the code official.

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F-504.1.1 System activation: The code official shall be notified of all activations of fire protection systems where said systems are not required to be monitored or do not otherwise automatically summon the fire department to respond. Such systems shall be returned to full operating condition before the process intended to be protected resumes. Both the owner or occupant and any individual or service company involved in the maintenance, repair or installation of fire protection systems, who becomes aware of an activation, shall notify the code official.

F-504.3.1. <u>Sprinkler system abandonment:</u> When approved by the code official, structures vacated for extended periods of time may have the sprinkler system abandoned in accordance with the following conditions:

- 1. A written plan including the estimated time of abandonment shall be submitted to the code official for review.
- Fire department connections shall be maintained in operable condition for fire department use.

 Water intended to supply the sprinkler system must be maintained to the sprinkler control valve at the main riser for manual activation by the fire department.

F-504.6 Temperature and monitoring: Precautions shall be taken in all rooms and areas containing fire sprinkler equipment such as piping, valve(s), and fire pump(s), to prevent freezing of said equipment during times of extremely cold temperatures. Where the code official deems necessary, equipment shall be installed to monitor the temperature of said areas and send a signal to an approved location to warn of freezing conditions so that the occurrence of frozen and/or broken piping, valve(s), and fire pump(s) can be prevented.

F-506.2 <u>Standpipes</u>: In buildings and structures having floors used for human occupancy located more than forty (40) feet (12192mm) above the lowest level of fire department vehicle access, tests shall be made at intervals of not more than two years. Standpipe systems shall meet the flow demands required at the time of installation. At the time of the test, all control valves, including those inside hose cabinets, shall be operated and then reset in their proper position to insure the workability of these valves. Buildings with systems that are unable to meet the flow requirements at the time of installation shall be required to install automatic fire pumps or water tanks if deemed necessary by the code official for the occupancy of the building.

F-506.3 <u>Sprinklers</u>: Where the mixing of different types of sprinklers occurs on the same system, such as the mixing of quick response heads with standard heads, the following shall be met:

1. In tenant space(s) in single or multiple tenant buildings, the installation shall occur throughout the tenant space and/or be confined within a fire area.

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- 2. In common area(s) in multiple story buildings, the installation shall occurthroughout the common area(s) and be confined to the floor.
- 3. A sprinkler head cabinet with a supply of spare compatible heads and wrench—shall be located within the tenant space, or within or adjacent to the common—area(s) where such installation occurs.
- 4. A conspicuous and durable sign or sticker, as approved by the code official, indicating the presence of different heads and their location shall be posted at, on, or immediately adjacent to the main sprinkler riser, sprinkler head cabinet, and/or main or remote sprinkler control valve(s) as determined by the code official.

F-506.4 <u>Dry systems:</u> Precautions shall be taken with dry pipe sprinkler valves and piping to prevent loss of air pressure. Where the code official deems necessary, equipment shall be installed to monitor air pressure and send a signal to an approved location to warn of air loss so that the unintentional tripping of the dry pipe valve can be prevented.

an approved room integrity test prior to acceptance by the code official and every two years thereafter.
F-510.1 <u>Periodic testing and inspection:</u> All dry-chemical extinguishing systems shall be maintained, periodically inspected and tested in accordance with NFiPA 17 and NFiPA 96 listed in chapter 44 and Sections F-510.2, F-510.3 and F-510.4.
F-510.4 <u>Fire suppression systems</u> : When an existing dry-chemical fire suppression system is altered or modified, or when said system is newly installed, the new system shall conform to the requirements of U.L. 300.
Where cooking operations exist that make use of vegetable oils or synthetic cooking ingredients that are capable of producing temperatures which exceed the extinguishing capabilities of the existing dry-chemical suppression system, said system shall conform to the requirements of U.L. 300.
F-511.1 Periodic testing and inspection: All wet-chemical extinguishing systems shall be maintained, periodically inspected and tested in accordance with NFiPA 17A and NFiPA 96 listed in chapter 44 and Sections F-511.2, F-511.3 and F-511.4.
F-511.4 <u>Fire suppression system</u> : When an existing wet-chemical fire suppression system is altered or modified, or when said system is newly installed, the new system shall conform to the requirements of U.L. 300.
Where cooking operations exist that make use of vegetable oils or synthetic cooking ingredients that are capable of producing temperatures which exceed the extinguishing-capabilities of the existing wet-chemical suppression system, said system shall conform to the requirements of U.L. 300.
(2-2-98) 93-13 F-512.4 <u>Fire protection maintenance</u> : All fire detection, alarm, and communications systems in buildings and structures having floors used for human-occupancy located more than forty (40) feet (12192mm) above the lowest level of fire-department vehicle access shall be tested every three (3) months. A test report shall be filed as indicated in Section F-501.4.1
F-516.2 Deleted
F-517.5 <u>Location</u> : In any building or structure required to be equipped with a standpipe fire department connection, the connection shall be located within one hundred (100) feet of a fire hydrant.
Exception: Buildings or structures equipped with a complete automatic fire- sprinkler system.
F-517.6 Interconnection: Where buildings or structures equipped with two or more separate automatic fire sprinkler systems and/or two or more separate fire department sprinkler connections for such systems, the fire department connections shall be interconnected so that either fire department connection can be used to supply either-

sprinkler system.

Exception: Sprinkler systems which are connected together to form a single system.

- F-517.7 Alarm devices: Both an audible and visible means of indicating an automatic sprinkler system activation shall be mounted on the exterior of the building above or in close proximity to the fire department connection.
- F-518.2 Where required: A portable fire extinguisher shall be installed and maintained in the following locations in accordance with NFiPA 10 listed in Chapter 44:
 - 1. In all occupancies in Use Groups A-1, A-2, A-3, A-4, B, E, F, I-2, M, R-1, R-2, S. and H.

F-518.6 Sale, service, or installation of defective fire protection equipment. A person shall not sell, trade, loan, give away, service, or install any form, type or kind of fire protection equipment, appliance, or device which is not listed for such use and approved by the fire official, or which is not in proper working order, or the contents of which do not meet the requirements of the fire official. The requirements of this section shall not apply to the sale, trade, or exchange of obsolete or damaged equipment for junk if said units are permanently disfigured or marked with a permanent sign identifying the unit as junk.

(2-2-98) 93-14 SECTION F-519.0 SUPERVISION OF FIRE PROTECTION SYSTEMS AND VALVES

F-519.1 Fire suppression systems: All required fire suppression systems and supervisory signals shall be connected to an approved central station alarm system or proprietary alarm system in accordance with applicable NFiPA standards and/or the approval of the Troy Fire Department.

Exceptions: The following systems are not required to be connected unless located in occupancies equipped with a required system:

- 1. Limited area fire suppression systems.
- 2. Carbon dioxide systems.
- 3. Dry/wet chemical systems.
- 4. Halogenated extinguishing systems.
- Total flooding extinguishing systems.

F-519.2 <u>Valves</u>: Valves controlling fire suppression systems shall be supervised open by one of the following methods:

- 1. Approved central station monitoring.
- 2. Local alarm service which will cause the sounding of an audible signal at a constantly attended location.
- 3. Locking valves open.

Exceptions:

- 1. Underground gate valves with roadway boxes.
- 2. Limited area sprinkler systems.
- 3. Halogenated extinguishing systems.
- 4. Carbon dioxide extinguishing systems.
- 5. Dry chemical extinguishing systems.
- 6. Wet chemical extinguishing systems.

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F-519.3	Fire protective signaling systems: All required fire protective signaling
systems not re	quired to be connected to an approved central station alarm system or to
	tended location on the premises shall display a durable sign at each
manual initiatin	g device which reads "THIS ALARM DOES NOT NOTIFY THE FIRE
DEPARTMENT	C-TO REPORT A FIRE DIAL 911 "

F-519.4 Alarm annunciation: Where fire suppression systems exist in multi-tenant occupancies, i.e., strip malls, separate annunciation shall be required for each separately addressed tenant space unless otherwise approved by the code official.

SECTION 520.0 SUPPLEMENTAL, OPTIONAL OR NON-REQUIRED FIRE-DETECTION OR FIRE SUPPRESSION SYSTEMS

F-520.1 <u>Installation</u>: If an owner, occupant, or tenant of a building installs or has installed a supplemental fire suppression or detection system in a building which is equipped with a building fire protective signaling system, the supplemental system shall be connected to the building system in such a manner as to annunciate its location and activate the appropriate fire protective signaling sequence.

F-520.1.1	Alarm-indicating appliances: Equipment or devices installed to operate
supplemental	l alarm-indicating appliances shall be for temporary use until such time that
the existing fi	re panel can be replaced or updated to accommodate such appliances as
approved by	the code official.
F-520.2	Maintenance: Optional and/or non-required fire suppression or detection
system(s) sha	all be installed and maintained in accordance with applicable standards.

SECTION F-521.0 KEY BOX

F-521.1 <u>General</u>: The code official shall require the installation of a key box, in an accessible location, when access to or within a structure or an area is unduly difficult for any of the following reasons:

- 1. Secured openings.
- 2. Where immediate access is necessary for lifesaving or fire fighting purposes.
- 3. Where a required fire protective signaling system is present.
- 4. Where hazardous materials are present.

The key box shall be of a type approved by the code official and shall contain keys togain necessary access as required by the code official.

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F-521.2	<u>Keys</u> : It is the responsibility of the property owner to insure that the
proper keys a	e present inside the key box and that the code official is notified of any
proper keys a	e present inside the key box and that the bode official is notified of any
changes in ke	s for the building which would necessitate a change of keys in the key
onangoo iii ko	To for the building which wedia hecocoliate a change of Reye in the Rey
box.	

SECTION F-522.0 EXTINGUISHING SYSTEM CYLINDERS

F-522.1 <u>Location of cylinders containing extinguishing agent:</u> Cylinders containing the extinguishing agent shall not be installed in attics, concealed spaces, crawl spaces, or other areas unless they are provided ready access for inspection and maintenance purposes and only when specifically permitted by the fire official.

F-601.4 Deleted

F-601.7 Posting of occupant load: An assembly occupancy shall be posted with an approved legible sign in contrasting colors conspicuously located near the main point of egress from the room or space stating the number of occupants permitted within such space. The number of occupants permitted shall be determined in accordance with the building code listed in Chapter 44 and in accordance with Chapter 39 of the Troy City Code (parking limitation). Assembly rooms or spaces with multiple occupancy capabilities shall be posted for all such occupancies. The owner shall be responsible for

installing and maintaining such signs.

F-608.7 <u>Special locking arrangements</u>: Before any special locking device is installed on an exit door, the installation shall be approved by the code official. An overall egress plan, proposed equipment list, and wiring diagram shall be submitted for review.

F-801.2 Deleted

F-901.2 Deleted

F-1001.2 Deleted

F-1101.2 Deleted

F-1201.2 Deleted

F-1301.2 Deleted

F-1401.2 Deleted

F-1501.2 <u>Permit required</u>: A permit shall be obtained from the code official to store, handle or use hazardous production materials if amounts exceed those listed in Chapter 93 Section III of the Troy City Code.

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F-1601 2	Deleted	
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F-1701.2 Deleted

F-1801.2 Deleted

F-1801.2.1 Deleted

F-1801.2.2 Deleted

F-1801.3 <u>Well locations</u>: A plot plan drawn to scale shall be submitted, showing distances in feet from the proposed well site to the boundary lines of the tract and all structures and improvements within a radius of 300 feet (91440mm) of the exact location of the proposed well. Proposed access roads, transmission lines and storage tank sites shall be indicated on the plot plan. Roads shall meet the load limitations for fire equipment.

F-1901.2 Deleted

F-2001.2 Deleted

F-2102.1 Deleted

F-2103.1 <u>Permit required</u>: A permit shall be required for storage located in any structure or on any premises of more than 1,000 cubic feet (28 m³) of combustible empty packing cases, boxes, barrels or similar containers or rubber tires, baled cotton, rubber, cork or other similarly combustible materials.

F-2201.2 Deleted

Exception: Deleted

F-2203.2 Deleted

F-2203.3 Deleted

F-2204.5 <u>Precautions in welding:</u> Welding and cutting shall not be performed on containers and equipment containing or having contained flammable liquids, gases or solids until the containers and equipment have been thoroughly cleaned, inerted or purged.

F-2205.2 Permit required for cylinder and container storage: A permit shall be required for the storage of cylinders or containers utilized in conjunction with welding or cutting operations where the storage exceeds quantities defined in Chapter 93 Section III of the Troy City Code.

(2-2-98) 93-18 F-2208.1 Deleted

F-2208.7 <u>Permit required for cylinder storage</u>: A permit shall be required for the storage of cylinders utilized in conjunction with welding or cutting operations where the storage exceeds quantities defined in Chapter 93 Section III of the Troy City Code.

F-2301.2 <u>Permit required</u>: A permit shall be required for the storage, dispensing, use, or handling of hazardous materials as indicated in Chapters 24 through 43. The required permit quantities shall be indicated in Chapter 93 Section III of the Troy City Code.

A storage or processing facility, or other area regulated by this code, shall not be abandoned, closed or substantially modified until a permit has been issued in accordance with Section F-107.0.

F-2301.2.2 <u>Inventory statement</u>: Every application for a permit shall include a Hazardous Materials Inventory Statement (HMIS), such as SARA Title III, Tier II Report, or other approved statement.

Exception: Deleted

F-2301.2.3 Permit issuance: A permit granted hereunder shall not be transferable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire official.

F-2301.2.4 Permit Fees: The following fees shall be applied to the maximum quantity of each form of hazardous materials:

Quantity & Form	Fee
0 - 1,000 lbs.; 0 - 100 cu. ft.; 0 - 330 Gal	\$100.00 \$250.00 \$500.00

F-2311.7 Emergency alarm:

Exception: Deleted

F-2313.7 Above-ground tanks: Above-ground stationary tanks utilized for the storage of hazardous materials shall be listed for such use and shall be located and protected in accordance with the provisions for storage of the material stored and marked as required by this code.

(2-2-98) 93-19

F-2316.1 <u>Monitor control equipment:</u> Where required in Chapters 24 through 43, monitor control equipment for the storage of hazardous materials exceeding the exemptamounts shall be provided in accordance with sections F-2316.2 through F-2316.6 and shall be listed for such use.

F-2316.6 <u>Supervision and annunciation</u>: Where alarm, emergency signal, detection or automatic fire suppression systems are required in Chapters 24 through 43, such systems shall be supervised by an approved central station or proprietary station system in accordance with applicable NFiPA standards and/or the approval of the Troy Fire Department. Such systems shall also annunciate in a manner approved by the code official.

F-2317.4 Equipment shut down: Equipment located in hazardous areas that would create a hazard of fire, explosion, or the spreading of hazardous material if a release were to occur, shall be shut down upon activation of monitor control equipment or emergency alarm.

F-2401.4 <u>Identification</u>: All cartons shall be marked on at least one side with the classification level of the aerosol products contained within the carton as follows:

Level Aerosols

The side of the carton marked shall be clearly visible when stored in configurations of

two or more cartons.

F-2501.2 Deleted

F-2501.2.1 Deleted

F-2701.2 Permit required: A permit shall be required for the storage, handling or use at normal temperature and pressure of more than 750 cubic feet of flammable compressed gas, 100 gallons (0.38m3) water capacity of nonflammable compressed gas, and any quantity of highly toxic, toxic, or poisonous compressed gas.

F-2801.2 Permit required: A permit shall be required for the storage and use of corrosive materials exceeding quantities defined in Chapter 93 Section III of the Troy-City Code.

F-2901.2 Deleted

F-3101.1 <u>Scope</u>: The manufacture, display, or sale of fireworks shall comply with the provisions of this chapter and the Michigan State Police Fire Marshal Division's Fireworks Law and Model Rocket Law as defined in the State of Michigan Penal Code Act 328 of Public Acts of 1931 or its equivalent.

(2-2-98) 93-20

F-3101.2 <u>Permits required</u>: A permit shall be required for the public display, retaildisplay, and sale of fireworks.

F-3101.3 Permit issuance: Application for permits shall be made in writing at least 15 days in advance of the date of the public display, retail display and sale of fireworks. The sale, possession, and distribution of fireworks for such display shall be lawful under the terms and conditions approved with the permit and for only that purpose. A permit granted hereunder shall not be transferable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire official.

F-3101.4 Permit fee: The permit fee for public display and the retail display and sale of fireworks shall be \$100.00.

F-3103.1 <u>General</u>: The rules and regulations for fireworks shall be in accordance with NFiPA 1123 and 1124 listed in Chapter 44 and the Michigan State Police Fire Marshal Division's Fireworks Law and Model Rocket Law or its equivalent.

F-3103.1.1 <u>Requirements</u>: The following requirements shall be met in order to sell or purchase fireworks as defined in the Michigan State Police Fire Marshal Division's Fireworks Law and Model Rocket Law or its equivalent:

1. A permit shall be required for the sale or retail display of fireworks.

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#3. Deleted

- 2. No person under the age of 18 years shall sell, purchase or possessfireworks unless accompanied by a parent or legal guardian.
- 3. Fireworks displayed for sale shall not be made readily accessible to the public.
- 4. A minimum of one (1) pressurized water fire extinguisher meeting NFiPA 10 requirements shall be located not more than 15 feet and not less than 10 feet from the hazard.
- 5. "No Smoking" signs shall be conspicuously posted in spaces where fireworks are stored or displayed for sale.
- 6. There shall be no greater than 500 pounds gross weight of fireworks on site at any given time.

(2-2-98)	93-21
F-3103.2	Violations: A person shall not manufacture, store, offer or expose for
sale, sell at r	etail, or discharge any nonlegal fireworks as defined in the Michigan State
Police Fire M	larshal Division's Fireworks Law and Model Rocket Law or its equivalent.
Exce	otion: Where approved for the supervised public display of fireworks.
F-3103.3	Public display: Approved public displays shall be handled by an approved
competent o	perator, and the fireworks shall be arranged, located, discharged and fired
in a manner	that will not be a hazard to property or endanger any person.
either to the	Bond for public display: The permit holder shall furnish a bond in anoved by the code official for the payment of all potential damage caused person or property due to the permitted display, and arising from any acts holder or the agent of the permit holder.
F-3201.2	
#2.	— Deleted
2.1	Dolotod

F-3203.5.1 <u>Dispensing type</u>: Flammable and combustible liquids shall not be dispensed by gravity from tanks, drums, barrels or similar containers. Approved pumps taking

suction from the top of the container shall be utilized, except when the viscosity of the liquid makes such a restriction impractical.

F-3207.1 <u>General</u>: Flammable and combustible liquid storage tanks of any capacity installed above ground shall be listed for such use and comply with this chapter and the Michigan State Police Fire Marshal Division's Storage and Handling of Flammable and Combustible Liquids rules or their equivalent.

F-3207.5.7 <u>Separation distances</u>: Each tank and each special enclosure shall be separated from buildings, lot lines and public ways by as defined in NFiPA 30 and the Michigan State Police Fire Marshal Division's Storage and Handling of Flammable and Combustible Liquids Rules or their equivalent.

F-3208.2 <u>Location</u>: Loads from a structure foundation system shall not be transmitted to storage tanks installed underground or below a structure. Flammable liquid storage tanks shall be a minimum of 10 feet (3,050 mm) from any wall and/or lot-line. Combustible liquid storage tanks shall be a minimum of 10 feet (3,050 mm) from any wall or lot line.

(2-2-98) 93-22

F-3501.2 <u>Permit required</u>: A permit shall be required for the storage, use or handling of irritants, sensitizers or other health hazard materials exceeding 500 pounds (227 kg) of solids, 100 gallons (0.38 m³) of liquids and any amount of gas. The aggregate quantity shall be such that the sum of the ratios of the actual quantity of each state of material divided by the allowable quantity of each state of material shall not exceed one.

F-3701.2 Permit required: A permit shall be required for the storage, use or handling of any quantity of unclassified, detonable, Class I or II organic peroxides and more than 10 pounds (11.4 kg) of Class III organic peroxides.

F-4101.1.1 Note: This chapter is pre-empted by the State of Michigan Penal Code Act 368 of Public Acts of 1978 Part 135: Radiation Control.

Exception: Deleted

F-4101.2 Deleted

F-4101.3 Deleted

F-4101.4 Deleted

SECTION F-4102.0 DEFINITIONS Deleted

SECTION F-4103.0 RETROACTIVE REQUIREMENTS Deleted

SECTION F-4104.0 MAINTENANCE Deleted

F-4201.2 <u>Permit required</u>: A permit shall be required for the storage, use or handling of any quantity of Class 1, 2, 3 or 4 unstable (reactive) materials.

CHAPTER 44 REFERENCED STANDARDS.

In addition to all of the referenced standards contained in Chapter 44 the following NFiPA referenced standard is added:

Standard —		Referenced	
reference		in code	
number	- Title	Section number	
96-94	Ventilation Control and Fire	F-510.1	_
	Protection of Commercial Cooking	- F-511.1	
	— Operations		

(2-2-98) 93-23

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager

Gary A. Shripka, Assistant City Manager/Services Doug Smith, Real Estate and Development Director

Pat Petitto, SR. Right of Way Representative Mark Miller, Interim Planning Director

SUBJECT: The Disposition of City Property at 101 E. Square Lake Road/Krell

Property

Consistent with the decision by Council on July 10, 2001, staff will meet with the adjacent property owner to prepare a site plan for the property. Historically, the property owner to the north has also indicated interest in having access to Square Lake Road through this property. In the preparation of site plan and sale of the property, his concerns will also be taken into account. Mark Miller, Interim Planning Director will work with the property owners to prepare an acceptable site plan for all parties involved. This site plan will include a location for a historical marker on the site. Simultaneously, Pat Petitto from the Real Estate and Development Department will be working to appraise the property and prepare the property for sale to the appropriate owner(s). By having both Planning and Real Estate work together with all parties; any necessary deed restrictions can be accommodated in the sale of the property. Finally, consistent with Council actions, once the property sale has occurred, funds will be earmarked to a designated fund for park improvements on the church property on the south side of Square Lake.

We will meet with the property owners and the Historic District Commission to develop the proposed site plan and complete the appraisal. The proposed purchase agreement will be submitted to City Council for final approval of sale. Based on the proposed site plan, the petitioners would request rezoning of the property to the Planning Commission. Planning Commission and City Council will hold a public hearing on this action. Finally, The petitioner would then submit a site plan for approval by the Planning Commission.

Attached is a copy of the remnant parcel sale provisions. Handling this transaction through a remnant parcel sale, management believes is consistent with the policy of remnant parcel sales, which permits the sale of property to contiguous owners, and ultimately serves to encourage positive developments of the area consistent with City land use plans.

DS/pg

TO:

Honorable Mayor and City Council

FROM:

John Szerlag, City Manager

John M. Lamerato, Assistant City Manager-Finance and Administration

RE:

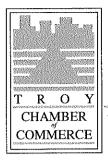
\$24,000,000 Downtown Development Authority Bond Issue

DATE:

July 19, 2001

Please find attached the Official Statement for the \$24,000,000 Downtown Development Authority Development and Refunding Bonds, Series 2001.

This issue covers the funding of the Big Beaver Road Improvements and the refunding of the Series A Parking Structure Bonds. The refunding of the Series A Parking Structure Bonds will result in net savings of \$446,807.21 in interest payments over the life of the bonds.



4555 Investment Drive, Suite 300, Troy, Michigan 48098-6338 (248) 641-8151

248) 641-8151 Fax (248) 641-0545

e-mail: theteam@troychamber.com

www.troychamber.com

MEMORANDUM

TO:

The Honorable Mayor and City Council

FROM:

Nancy Negohosian, Chairperson WW

Michele Hodges, President

DATE:

18 July 2001

RE:

Civic Center Site

As a result of recent due diligence relating to the Civic Center site, the Chamber wholeheartedly supports actions of the Mayor and Council, Downtown Development Authority, and Planning Commission. The commitment to maintain open and public spaces, a pedestrian friendly environment, shared parking, and minimal infrastructure costs are particularly laudable.

On a related note, the 19 June 2001 joint meeting between City Council and the Chamber concluded with the salient objective of having the Chamber meet with City staff to prioritize goals, objectives, and site plan elements for the Civic Center site.

To that end, a meeting with City Manager John Szerlag and Real Estate & Development Director Doug Smith occurred on 17 July 2001. The meeting and other fact-finding leads the Chamber to make the following recommendations.

1) Economic Feasibility

An economic feasibility analysis of the Civic Center plan should be performed by a third-party. The analysis would not replace previous efforts, but encompass them while focusing on the economic viability of all proposed elements. Doing so will resolve unanswered questions and allow for confident decision-making.

2) Consultant

The firm utilized by the Detroit Metropolitan Convention & Visitors Bureau (Conventional Wisdom) to conduct its convention facility study should be considered to perform the analysis. Doing so would create time and resource efficiencies.

The Chamber is in the process of addressing other issues identified at the joint meeting, and will provide ongoing reports to you as progress is made.

We hope for continued involvement with this important initiative, and thank you for soliciting our input to date.

CC: John Szerlag, City Manager

Doug Smith, Director of Real Estate & Development

TCC Board of Directors

July 19, 2001

TO:

The Honorable Mayor and City Council

FROM:

John Szerlag, City Manager

SUBJECT:

Recommendation from Chamber of Commerce to Perform Economic

Analysis on Various Civic Center Site Plan Elements

City Management agrees with the recommendation of the Troy Chamber of Commerce to perform an economic analysis of proposed civic center site plan elements consisting of a conference center, performing arts center, hotel, and office. We also recommend that Conventional Wisdom Incorporated be hired to perform this analysis as they have just completed the convention facility study for Detroit Metro Convention and Business Bureau, and are thereby familiar with the City of Troy.

In order to provide a better level of comfort with this firm, a study session could be scheduled with representatives of Conventional Wisdom on August 20, 2001 at 6:00 p.m., 90 minutes before the regularly scheduled Council meeting. At that time, you can decide to proceed to authorize staff to negotiate a contract with this firm for the economic analysis, go out for request for proposals (RFP's), or take some other route.

Before closing, please know that the City has received proposals from consulting firms to perform economic analysis of this sort. Under separate cover, Doug Smith and I will provide you with that information as well.

cc:

Nancy Negohosian; Board Chairperson, Troy Chamber of Commerce Michelle Hodges; President, Troy Chamber of Commerce Gary A. Shripka

John Lamerato Doug Smith